

CHARTER AMENDMENT

ADOPTED

NOVEMBER 6, 1956

CITY OF FERGUS FALLS

OTTER TAIL COUNTY

MINNESOTA

"COUNCIL-MAYOR PLAN"

#13117 o.d.
STATE OF MINNESOTA
DEPARTMENT OF STATE
RECEIVED
NOV 6 1956
Joseph A. Henneman
Secretary of State

ARTICLE 1.

INCORPORATION, WARDS, FORM OF GOVERNMENT, POWERS.

1.01 Incorporation: The inhabitants of the City of Fergus Falls, Otter Tail County, Minnesota, within the corporate limits as now established, or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "City of Fergus Falls".

1.02 Wards: The City shall be divided into four (4) wards and existing wards shall continue until such time as they may be changed as herein provided. The Council shall so divide, consolidate and rearrange the wards from time to time that the number of voters in each shall be substantially equal. All changes shall be made by ordinance adopted at least ninety (90) days before the next ensuing election and sixty (60) days posted notice thereof shall be given before the change shall take effect.

1.03 Form of Government: The municipal government provided by this charter shall be known as the Council-Mayor government. Pursuant to its provisions and subject only to the limitations imposed by the Constitution or statutes of the State of Minnesota and by this charter, all powers of the City shall be vested in a Mayor and elective Council, hereinafter referred to as "the Council", which shall enact local legislation, adopt budgets and determine policies, all subject to the initiative, referendum and recall powers of the people as hereinafter provided. All powers of the City shall be exercised in the manner prescribed by this charter, or if the manner be not prescribed herein, then in such manner as may be prescribed by ordinance.

1.04 Powers of the City: The City shall have perpetual succession and the right to acquire by purchase, condemnation, gift or devise, and manage, hold, sell, lease, mortgage or convey any and all property or interests in property, real, personal or mixed, within, or without its boundaries as its purposes may require and the power to contract with any municipal or private corporation, individual or with the national or state government, including contracts for joint buildings, services, utilities and enterprises. The City shall have all powers, functions, rights, privileges and immunities possessed by the City prior to the adoption of this charter, possessed by a municipal corporation at common law or given or granted by the Constitution or laws of the State of Minnesota to municipal corporations generally or to cities of the third class or to any special class which includes the City of Fergus Falls or which are granted herein but subject to the restrictions contained in this charter.

1.05 Construction of the Charter: The provisions of this charter shall be construed liberally in favor of the City to the end that it may have all powers, necessary or convenient for the protection or improvement of the public welfare or for the efficient conduct of its municipal affairs, which may be granted to any municipal corporation under the laws of the State, without

the necessity of asking the legislature for special grants of power, 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 to those thus mentioned. In addition to the powers specifically mentioned or necessarily implied, it is intended that the City shall have and may exercise all powers which it would have if they were specifically mentioned. Unless expressly granted to some other office or body, all powers shall inure to the City Council.

ARTICLE 2.

THE MAYOR AND COUNCIL

2.01 Councilmen: Number: Selection: Term: The Council shall be composed of eight (8) Councilmen, two (2) of whom shall be selected from each ward for a term of two (2) years each, except as hereinafter provided. At the first City election held following the adoption of this charter, four (4) Councilmen, one (1) from each ward shall be elected for a term beginning on the second Tuesday of April immediately following such election and ending on the last day inclusive of the second December thereafter.

At the second City election following the adoption of this charter four (4) Councilmen, one from each ward, shall be elected for a term beginning on the second Tuesday of April immediately following such election and ending on the last day inclusive of the second December thereafter. At each and every City election thereafter, four (4) Councilmen, one (1) from each ward, shall be elected for two (2) year terms. Each alderman shall serve until his successor is elected and qualified.

2.02 Qualifications: A member of the Council shall be a qualified elector of the ward which he represents and shall hold no other public office incompatible with the office of Councilman.

2.03 Council to be Judge of Qualifications of Members: The Council shall be the judge of the election and qualifications of its members and for such purposes shall have power to subpoena witnesses and require the production of records, but the decision of the Council in any such case shall be subject to review by the Courts.

2.04 Presiding Officer: Mayor: A Mayor shall be elected at large and shall serve for a term of two (2) years and until his successor is elected and qualified, except that the Mayor elected at the first City election after the adoption of this charter shall be elected for a term beginning on the second Tuesday of April immediately following such election and ending on the last day inclusive of the second December thereafter and until his successor is elected and qualified. The Mayor shall be the presiding officer of the Council, except that a President Protempore shall be chosen by the Council from their number, who shall serve as presiding officer in the Mayor's absence, and as Acting Mayor of the City in case of the Mayor's disability or absence from the City. The Mayor shall not have a vote on the Council, except in case of a tie when he may cast the deciding vote. The President Protempore, while serving as Acting Mayor, shall not lose his vote on the Council but may not cast a second vote as Mayor in the event of a tie. The Mayor shall be a duly qualified elector of the City.

The Mayor shall be recognized as the official head of the City for all ceremonial purposes, and by the Governor for military purposes. 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 and

make recommendation as to action that should be taken to correct same. He shall be the chief executive officer of the City and head of the Police Department and shall exercise all powers and perform such other duties as may be imposed upon the Mayor by this charter, the ordinances of the City, and the laws of the State of Minnesota and the United States of America.

2.05 Salaries of Mayor and Aldermen: The Mayor shall receive for his services a salary of Four Hundred Dollars (\$400.00) per year, payable quarterly in the sum of One Hundred Dollars (100.00) at the end of each quarter.

Each Alderman shall receive for his services a salary of Two Hundred Dollars (\$200.00) per year, payable quarterly in the sum of Fifty Dollars (\$50.00) at the end of each quarter.

2.06 Boards and Personnel:

A. There shall be a Board of Equalization, Board of Tax Levy, Park Board, Library Board and Board of Health, and the Council may by ordinance create such other boards for the administration of the City's affairs as may seem necessary, and may combine and alter the powers, duties and organization of the same. The designated boards shall not be abolished but their duties shall be prescribed by ordinance.

B. Subordinate Officers:

After each annual election the Council shall appoint a City Clerk and a City Treasurer who may be the same person, a City Engineer, a City Attorney, a City Poor Commissioner and a City Assessor for a term of one year except that the first term appointment of said officers after the adoption of this charter shall be from the second Tuesday of April following the adoption of said charter to the last day inclusive of the first December following.

The Council may by ordinance create, change and abolish offices, other than the offices established by this charter.

Two or more offices may be headed by the same person. The City Clerk shall be ex officio secretary of Public Utilities Commission and shall have such duties in connection with keeping of the public records, the custody and disbursements of public funds and the general administration of the City's affairs as shall be ordained by the Council. He shall act as secretary of the Council. He shall perform such other duties as the Council may ordain.

No person shall be eligible to the office of the City Attorney who has not been admitted to practice before the Supreme Court of the State of Minnesota for at least

two (2) years prior to his appointment, provided that the Council shall have the right and power to employ counsel for special matters or actions of law in which the City is interested without regard to the qualifications of such special counsel. The City Attorney shall perform the duties ordained by the Council.

The City Engineer shall be a registered civil engineer in the State of Minnesota. He shall perform the duties prescribed by ordinance and may hold such other offices and positions as the Council shall ordain.

2.07 Vacancy in Office of Mayor and Council: A vacancy in the office of Mayor or Council shall be deemed to exist in the case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new Council after each election, or by reason of the death, resignation, removal from office, absence without leave from three (3) consecutive regular meetings of the Council, or conviction of a felony of any such person whether before or after his election or appointment, or by reason of the failure of any Mayor or Councilman without good cause to perform any of the other duties of his respective office for a period of three (3) months. When any vacancy shall exist, or any member of the Council shall cease to possess any of the qualifications for office imposed by law, the Council shall by resolution, declare such vacancy to exist. The Council shall fill the vacancy for the unexpired term by appointment.

In the event of a vacancy in the office of the Mayor, the President Pro Tempore of the Council shall become the Mayor for the unexpired term, provided, however, that in the event of a recall, the vacancy shall be filled in the manner provided by this charter.

2.08 Induction of Mayor and Council into Office: Meetings of Council: The first meeting of each newly elected Council and Mayor shall be held on the first business day of January of each year, following the election, after which the Council shall meet regularly at least twice each month at such time as the Council shall prescribe by rule. The Mayor or any three (3) members of the Council may call special meetings upon three (3) hours written notice to each member of the Council, such notice to be personally delivered to each member or left with some responsible person at the member's usual place of residence. All meetings of the Council shall be open to the public.

2.09 Rules of Procedure: Journal: The Council shall determine its own rules and order of business. A majority of all members of the Council shall constitute a quorum to do business, but a less number may adjourn from time to time. The journal of its proceedings, kept by the City Clerk, shall be open to public inspection.

2.10 Ordinances, Resolutions, Motions: Except as in this charter otherwise provided, all legislation shall be by ordinance. The payment of any liability on the part of the City, the making

of public improvements and such other matters as the Council shall determine by ordinance, may be accomplished by resolution except as hereinafter provided. Every final vote on ordinances or resolutions shall be by roll call vote and the vote of each member shall be recorded in the journal. The affirmative vote of at least five (5) members shall be required for the passage of ordinances and resolutions. All other business of the Council may be by motion and a majority of those present, if a quorum be present, shall be sufficient to carry the motion.

2.11 Procedure for Passage of Ordinances: The enacting clause of all ordinances passed by the Council shall be in the words, "The City of Fergus Falls does Ordain". Every ordinance shall be presented in writing in the form in which it will be finally passed, unless amended. Every ordinance, other than emergency ordinances, shall have two public readings in full, and at least two weeks shall elapse between such readings thereof. Every ordinance shall remain on file in the office of the City Clerk from the time it is introduced until the final vote thereon is taken. The final vote on each ordinance, other than an emergency ordinance, may be taken at the meeting at which the second reading is had or any subsequent meeting; any proposed ordinance may be amended prior to the final vote thereon by the same vote as that required to pass the ordinance.

2.12 Emergency Ordinances: An emergency ordinance is an ordinance for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in the preamble thereto, voted upon and approved by at least seven (7) members of the Council by roll call vote. An emergency ordinance must be in writing but may be enacted upon its first reading, and it shall become effective immediately upon approval by the Mayor, or its passage over his veto, and its publication as hereinafter provided. No grant of any franchise shall be construed to be an emergency ordinance.

2.13 Signing and Publication of Ordinances: Every ordinance passed by the Council shall be presented to the Mayor by the City Clerk within two (2) days after passage by the Council. If the Mayor approves it, he shall sign the measure. If he disapproves it, he shall return it to the Council with his objections thereto in writing, by depositing them with the City Clerk who shall present them to the Council at its next meeting; if the Council shall re-enact the ordinance over the veto of the Mayor by a vote of not less than six (6) of its members in favor thereof, it shall have the same effect as if approved by the Mayor; and if the ordinance shall not be returned by the Mayor with his approval or veto thereon, on or before the fifth day (Sunday excepted) after it shall have been presented to him, it shall have the same force and effect as if approved by him. Every ordinance passed by the Council shall be filed with the City Clerk and by him recorded and preserved. Within ten (10) days after final passage and approval by the Mayor, or re-passage by the Council over the Mayor's veto, each ordinance shall be published once in the official newspaper of the City. Unless otherwise specifically provided in the statutes of the State, the provisions of this charter, or the ordi-

nances of the City, resolutions adopted by the Council for any purpose shall not be published unless the Council shall so direct by provision contained in the resolution.

2.14 When Ordinances Take Effect: Excepting emergency ordinances, every ordinance, unless it shall specify a later date, shall become effective at the expiration of twenty (20) days following its final approval and publication, or if the ordinance be submitted at a referendum election, then upon favorable vote of a majority of those voting thereon.

2.15 Amendment and Repeal of Ordinances and Resolutions: Any ordinance or resolution may be repealed by reference to its title alone.

Any section or sections of any ordinance or resolution to be amended or repealed, together with the amended form thereof in case of amendment, shall be written in full as amended or repealed. Upon passage of any amendment, only the amending ordinance or resolution containing such amendment or repeal shall be published.

2.16 Codification of Ordinances: The City Council may revise, codify and print in book, pamphlet or newspaper form any general or special laws, ordinances, resolutions and rules in force in the City. Such codification shall be a sufficient publication of any ordinances included in it and not previously published in a newspaper if a substantial quantity of the codification is printed for general distribution to the public. A notice that copies of the codification are available at the office of the City Clerk shall be published in the official newspaper for at least two (2) successive weeks.

2.17 Independent Annual Audit: Prior to the end of each fiscal year, the Council shall designate public accountants or the public examiner, who, at the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the City government and shall submit their report to the Council. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its offices, other than as a taxpayer. They shall not maintain any accounts or records of the City business but, within specifications approved by the Council, shall post-audit the books and accounts kept by the City government and any subordinate accounts kept by any other office, department or agency of the City government.

ARTICLE 3

PUBLIC UTILITIES

3.01 Power of City: The City shall have the power to construct, own and operate water, electric light and power, gas systems and systems for distribution of any other source of energy, sanitary sewer system, garbage and waste collection, disposal system, municipal airport, and any other public utility which may be authorized pursuant to ordinance duly adopted by the Council and it may furnish water, light and power, and gas, or any other source of energy for all municipal purposes, and may supply the same to the inhabitants of the City and to such other persons as it may deem expedient.

3.02 Public Utilities Department: The public water works, electric light and power system, gas system and any system supplying any other form of energy shall constitute one department in the City known as the "Public Utilities Department". The control, management and operation of all such public utilities shall be committed to a board known as the Public Utilities Commission". The City Council may by ordinance make the sanitary sewer system, garbage and waste collection, disposal system, municipal airport, or any other public utility from which a revenue is or may be derived, a part of the Public Utilities Department, or it may in the same manner commit the supervision of any such sanitary sewer system, garbage and waste collection, disposal system, municipal airport, and any other public utility in whole or in part to the Public Utilities Department.

3.03 Public Utilities Commission: Vacancy: Appointment: The members of the Water and Light Commission now holding office under the present City Charter shall constitute the Public Utilities Commission under this charter until their successors are appointed and qualified. The Commission shall consist of three (3) members, all of whom shall be residents and citizens of the City for five (5) years prior to the time of their appointment. One (1) member shall be appointed each year by the Council at the time and in the manner that other officers are appointed, provided, however, that no such appointment shall be made by the Council except by a vote of not less than six of its members. Each appointment shall be for three (3) years except the first three commissioners appointed after the adoption of this charter shall each serve a term from the second Tuesday of April to the last day inclusive of the third December following each appointment. Said Commissioners so appointed shall, before entering upon their duties, qualify and take their oath of office. Commissioners holding office when this charter is adopted shall continue in office until their respective terms expire. The members of said Commission shall receive no salary. All Commissioners shall serve until their successors are appointed and qualified.

A vacancy on this Commission shall be deemed to exist in the case of failure of any person appointed thereto to qualify within two (2) weeks after such appointment, by reason of death, resignation, removal from office, absence without leave from three con-

secutive regular meetings of the Commission, a conviction of a felony of any such person whether before or after his appointment, or by reason of the failure of any member without good cause to perform any of the other duties of his office for a period of three (3) months. When any vacancy shall exist, or any member of the Commission shall cease to possess any of the qualifications for office imposed by law, the Council shall, by resolution, declare such vacancy to exist. The Council shall fill the vacancy for the unexpired term by appointment.

3.04 Organization. Powers: Said Commission shall organize by electing one (1) of its members president, and the Secretary shall be clerk and bookkeeper and collector of the Public Utilities Commission. Said Commission may employ a superintendent, an engineer, and such necessary help as will enable it to properly perform its duties under this charter and may discharge such employees at will. Said Commission shall prescribe the duties of all such employees and shall fix their compensation. The City Attorney shall act as attorney for the Commission, but in the event of conflict between the Commission and the City Council, the Commission may by unanimous vote of the Commissioners employ special counsel to represent it, and pay reasonable counsel fees as a part of the operating expense of the Public Utilities Department.

3.05 Powers of Commission: Except as otherwise provided in this charter the Commission shall have control and power over the water, light, power and gas system, and the distribution of any other source of energy that may be owned or operated by the City at the time said Commission is created or which may thereafter be acquired, owned and operated by the City and shall have such other power and control over sanitary sewage system, garbage and waste collection, disposal system, municipal airport and any other public utility as may be ordained to it by the City Council.

The Commission shall have the supervision of all buildings, structures, machinery, apparatus, equipment, materials, and supplies, and all other property belonging to or pertinent to the Public Utilities Department or under its control, and except as hereinafter provided, shall have full and exclusive control and power over all moneys, bonds, certificates of indebtedness, warrants, and other securities in any fund of the department, provided, however that the money of said department shall be held as a part of the funds of the City and shall be paid out in such manner as the City Council may direct.

The Commission and its employees may enter upon any premises for the purpose of examining the same and making surveys and it may prosecute any action in the name of the City against any person for the use of water, light, power, gas, or any other public utility, or for injury to any of its property or works entrusted to its care. Without limiting the generality of the foregoing, the Commission shall have the power:

- A. To provide for regular meetings of the Commission, keep proper minutes thereof, and prescribe their own rules and procedure.

- B. To operate each and all of said utilities and to do all things necessary for the successful, economical management, control and operation thereof.
- C. To keep the same in repair, and make necessary replacements, extensions, improvements, changes, additions thereto. The Commission shall have no power to make any replacements, extensions, improvements, changes, or additions which require the issuance of bonds by 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 assessments upon the property benefited thereby, or which require the expenditure of more than Five Thousand Dollars (\$5000.00), but in such cases the Commission shall recommend to the City Council in writing the making of such replacements, extensions, improvements, changes or additions, whereupon the City Council may in its discretion, proceed to make the same or to order the Commission to make the same and to issue bonds or levy assessments upon benefited property as the case may be, and to pay for the same in whole or in part. Upon completion of such replacements, extensions, improvements, changes, or additions, the Commission shall have control and management thereof as provided herein with reference to any other such property.
- D. To buy fuel, supplies, equipment, and other materials in such manner as may be directed or authorized by the Council by ordinance or resolution.
- E. In conformity with all ordinances and resolutions, to put into effect the rates and charges to be made for services furnished by such utilities and to collect the same and all other earnings and revenues of said utilities.
- F. To prescribe the time and manner for which payment for all services shall be made, and to provide for the discontinuance and termination of such service in case of such non-payment, and in its discretion to require payment in advance for any and all of such service. The owner of any property which has upon it any pipes connected with the City's water works and gas system or wires and fixtures connected with the City's light and power system to convey light and power thereto, or which property is in any way connected with any source of energy supplied by the City, shall, as well as the lessee or occupant of such premises, if any, be liable to the City for the rents or rates for all of such service used upon such premises, and such charges shall constitute a lien upon such property and may be recovered in an action against such owner, lessee or occupant, or against any of them, as may be directed or prescribed by such Commission. Nothing herein contained shall be construed to limit the right of the Council to adopt ordinances providing for the certification of any such unpaid charges to the County Auditor for collection in the same manner as taxes on real estate.

- G. To make and enforce reasonable rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utilities and to prescribe penalties for violation thereof.

ARTICLE 4.

TAXATION: FINANCE: BUDGET

4.01 Council to Control Finances: Except as otherwise provided in this charter, the Council shall have full authority over the financial affairs of the City and any department thereof.

4.02 Fiscal Year: The fiscal year of the City shall begin on the first day of January and shall end on the last day of December in each calendar year.

4.03 Preparation and Submission of Budget: At the first regular meeting of the Council in September of each year, the Board of Tax Levy, composed of the Mayor, City Clerk and a member of the Council appointed by the Council, shall submit to the Council an annual budget for the next ensuing fiscal year. The budget shall provide a complete financial plan for the fiscal year, showing all proposed expenditures and detailed estimates of all anticipated revenues applicable to proposed budget, together with an estimate of all capital projects pending or which should be undertaken within the budget year, and any other information the Council may require or that the Levy Board may deem desirable. In parallel columns shall be shown the amounts, if any, granted and expended under similar headings for the past two (2) complete fiscal years and, for the current year including estimates for the uncompleted portion thereof. The Council may permit the elimination of expenditures of Debt Service Funds and Local Improvement Funds from the budget estimate. The budget shall be accompanied by a budget message which shall be explanatory of the budget, shall contain an outline of the proposed financial policies for the City for the budget year, and shall explain any salient changes in cost and revenue and financial policy. The budget, budget message and all supporting schedules or exhibits shall be a public record open to public inspection.

Included in each annual budget may be an amount set aside for "operating reserves for emergencies", not to exceed ten per cent (10%) of the amount levied for the General Fund. The Council, by resolution declaring and defining the emergency, may in the event of necessity transfer such sums as may be necessary from said operating reserve to any fund of the City. The sum to be transferred shall be specified in each case in the resolution and the name of the fund or budget item to which said sum is transferred shall also be stated in said resolution.

4.04 Notices: Public Hearings on Budget: At the meeting of the Council at which the budget and budget message are submitted, the Council shall determine, by resolution, the time and place at which the proposed budget will be considered at a public hearing and shall cause notice of such time and place to be published once in the official newspaper of the City, which publication shall be made not less than ten (10) days prior to the date set for the hearing. At the time and place so noticed, or at any time and place to which such hearing shall be adjourned, the Council shall hear all interested persons, for or against the proposed budget on any item thereof. During such public hearings, the Council may insert new items, or may increase or decrease items of the

budget.

4.05 Final Adoption of Budget: The budget shall be finally adopted by the Council not later than the first week in October by resolution, approved by a majority of the whole Council.

4.06 Effective Date of Budget: Certification: Copies: Upon final adoption, the budget shall be in effect for the ensuing fiscal year. A copy of the budget as finally adopted, shall be certified by the City Clerk and filed in his office. Copies of the budget as so certified shall be reproduced and made available for the use of all departments and offices of the City government. From the effective date of the budget, which shall be January first of ensuing year, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. After the budget shall have been duly adopted, the Council shall not have power to increase the amount 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 Council may at any time, by a resolution passed by a two-thirds (2/3) vote of the entire Council, reduce the sums appropriated for any purpose, or authorize the transfer of sums from unexpended balances to other purposes.

4.07 Budget Established Tax Levy: From the effective date of the budget the amount stated therein to be raised by property tax shall constitute a determination of the levy for the purposes of the City in the corresponding tax year. The City Clerk shall transmit to the County Auditor annually not later than the 10th day of October, a statement of all taxes levied showing by funds the aggregate amount to be levied for each of said funds and such taxes shall be collected and the payment thereof be enforced with and in like manner as State and County taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

4.08 Enforcement of the Budget: Except as in this charter otherwise provided, the City Council shall not approve any expenditure unless an appropriation has been made in the budget therefor, nor any expenditure covered by the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding bills, orders and encumbrances. No officer or employee of the City shall place any orders or make any purchase except for the purpose and of amounts authorized in the budget. Except as in this charter otherwise provided, 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 a personal obligation upon the person incurring the expenditure.

4.09 Funds: The following funds are hereby created:

- A. General Fund
- B. Public Works Fund
- C. Park and Recreation Fund
- D. Local Improvement Funds
- E. Debt Service Fund
- F. Public Utilities Funds

The City Council may create such other funds by ordinance as in its judgment is necessary and expedient. Upon the passage and effective date of this charter, the money and assets of the various City funds existing prior to the adoption hereof shall be and become by operation hereof transferred and appropriated to their respective appropriate funds as follows: The money and assets of the Clerk's Contingent Fund, General Fund, Library Fund, Parking Meter Fund, Poor Fund and that part of the money and assets of the Equipment Fund and Permanent Improvement Fund not specifically transferred to another fund, shall be placed in the General Fund; the money and assets of the Airport Operating Fund, Highway Fund, Permanent Improvement Revolving Fund, and those portions of the money and assets for the purposes as outlined in Section 4.11 now in the Equipment Fund and Permanent Improvement Fund shall be placed in the Public Works Fund; the money and assets of the Park Fund, Pebble Lake Golf Course Fund and that portion of the money and assets for the purposes as outlined in Section 4.12 now in the Equipment Fund and Permanent Improvement Fund shall be placed in the Park and Recreation Fund; the money and assets of the Sinking Fund shall be placed in the Debt Service Fund; and the money and assets of the funds not transferred as herein provided shall remain in their respective funds as they now exist.

4.10 General Fund: The General Fund is created for the payment of all expenses and obligations of the City not specifically charged to other funds under the provisions of this charter, the laws of this State, or the ordinances of the City. Into this fund shall be paid all moneys not provided herein or by statute or ordinance to be paid into any other fund.

4.11 Public Works Fund: The Public Works Fund is created for the purpose of defraying all expenses and obligations relating to public work under the jurisdiction of the City Engineer including operation, maintenance and construction of airports, construction and maintenance of streets, alleys, sidewalks, storm sewers, and sanitary sewers, equipment rentals and purchases relating to the foregoing, engineering department expenses and the City's share of special assessments and such other expenses as may be kindred to the foregoing. There shall be maintained within this fund special accounts for each special assessment project as provided by City Ordinance or laws of the State of Minnesota. The City Council may by ordinance provide further functions for this fund.

4.12 Park and Recreation Fund: The Park and Recreation Fund is created to pay the expenses and obligations of the Park Board, including the maintenance of parks, boulevards, parkways and

recreational areas; to pay for capital improvements of the park system, equipment rentals and purchases of the Park Board, the City recreational program, and together with such other disbursements as may properly be chargeable to this fund. The City Council may by ordinance provide further functions for this Fund.

4.13 Local Improvement Fund or Funds: These funds are created to pay the principal and interest on all obligations incurred in special assessment projects performed under the provisions of this charter, any City improvement code and laws of the State of Minnesota. Any balance remaining after the improvement has been completed and paid for shall become a part of the Debt Service Fund of the City.

4.14 Debt Service Fund: The Debt Service Fund is created for the payment of obligations, bonds and interest issued as general obligations of the City. There shall also be paid into this fund all taxes collected to pay interest in excess of the amount required to pay such interest. To the extent required by law, a separate account in the Debt Service Fund shall be maintained for each issue of City obligations.

4.15 Public Utilities Fund or Funds: The Public Utilities Fund or Funds is created for the acquisition, construction, extension, maintenance, and operation of any public utility now or hereafter owned or operated by the City, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any utility, from the sale of any utility, from the operation of such utility, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance, and repair of such utility, including the interest upon all bonds or other indebtedness which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity. Separate funds and accounts shall be kept for each such utility operated. The moneys now in the sinking fund and credited to the Electric Light Fund may be placed in the Gas Utility Fund in such amounts as shall be ordered by the Council by resolution from time to time, and the Council may transfer such moneys, or any portion thereof, to any other Fund or Funds of the City by the passage of an ordinance which shall be submitted to the voters of the City for approval at a general or special election and shall not be effective unless it be approved by not less than three-fifths of the voters voting on the question. Notwithstanding any other provision of this Charter, the Council may transfer not to exceed the sum of \$300,000 from the moneys now in the Sinking Fund and credited to the Electric Light Fund, to the appropriate fund for the purpose of paying a portion of the cost of additions to the Sewage Disposal Plant.

4.16 Transfer of Funds: Except as in this charter otherwise specifically provided, moneys in any of the designated funds of the City, shall not be transferred to any other fund, or used for any other purpose, than that for which they were levied or appropriated.

4.17 Purchases and contracts: The head of each department shall be the purchasing agent of the City for his respective department. Such purchasing agents, subject to the provisions of this charter and pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the City government. Such agent shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials and equipment purchased for or belonging to the City.

4.18 Contracts: The approval of the Council must be given in advance for purchases or contracts exceeding \$500.00. The Council may authorize purchases or contracts without advertising and receiving competitive bids thereon for purchases or contracts not exceeding \$1,000.00. Before making purchase of or contract for supplies, labor, materials or equipment of more than \$1,000.00, the City shall publish notice of call for bids once in the official newspaper of the City at least seven (7) days prior to the date set for opening of bids. These contracts shall be let to the lowest responsible bidder. The Council may reject any and all bids and may re-advertise.

The City Council may in its discretion direct any work or construction or any part thereof to be done by day labor or by any department of the City government under the direction of the City Council, or under the direction of such department heads as the Council may ordain. The Council may prescribe by ordinance such rules and regulations as it may deem necessary relating to competitive bidding.

All contracts, bonds and other instruments of every kind to which the City shall be a party shall be executed in the name of the City, signed by the Mayor and City Clerk on behalf of the City.

4.19 Disbursements: How made: No disbursement of City funds shall be made except by check signed by the Mayor, City Clerk and Treasurer, and specifying the purposes for which the disbursement is made and the fund from which it is drawn. No such check shall be issued until there is money to the credit of the fund from which it is to be paid sufficient to pay it together with all outstanding encumbrances upon the fund. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The City Clerk shall note on each contract requiring the payment of money by the City the particular fund out of which it is to be paid. The Council may by ordinance make further regulations for the safe-keeping and disbursement of the funds of the City.

ARTICLE 5.

BONDED DEBT AND DEBT LIMIT

5.01 Power to Issue Bonds: In addition to the powers in respect to the borrowing of money and the issuance of bonds and certificates of indebtedness specifically or impliedly granted by this charter, or any amendments thereto, the City shall have all of the powers with reference to these matters authorized for cities of the same class by the laws of the State of Minnesota, to be exercised in the manner provided by such laws.

5.02 Debt Limit: The total bonded debt of the City shall never exceed such maximum limitation as the legislature may determine for cities of the same class.

ARTICLE 6

PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENTS

6.01 The City Plan: The City Council may, with the assistance of the City Engineer, and, if desired, of any advisory City Planning Commission, prepare and adopt a complete plan for the future physical development and growth of the City and such surrounding area as the State law may permit. Such plan may be altered from time to time. It may include provisions for zoning, for the platting and development of new areas, for the planning and location of public buildings, parks, playgrounds, bridges, streets, paving, sewer and water mains, transportation lines and other public improvements and facilities, and for the laying out, grading and improving of public places as well as other matters which may seem essential to such a plan.

6.02 Enforcement of City Plan: The Council shall have all necessary power to enforce complete adherence by all persons to the plan adopted as the City Plan.

6.03 Power to Make Improvements and Levy Assessments: The City Council shall have power to make any and every type of local improvement deemed necessary by the Council for the welfare or convenience of the City and its inhabitants and not forbidden by the laws of this State, and to assess the cost of such part thereof as they deem just against any property found benefited thereby. Any two or more local improvements may be made at the same time and as part of the same proceedings and the assessment therefor likewise levied and collected. The amount assessed to benefited property may equal the cost of the improvement including damages, if any, and interest until paid, but shall in no case exceed the value of the benefits received by such property. Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly by the City by day labor or by contract.

6.04 Procedure to Secure Local Improvements: Local improvements may be initiated either by a petition submitted to the Council by interested property owners for such improvement, or by a resolution passed by the Council to investigate the necessity and feasibility of such improvement. Before taking any further action, the Council shall refer the matter to the City Engineer who shall investigate as to whether the proposed improvement is feasible and as to whether it should best be made as set forth in the petition or resolution, or in connection with some other improvement or improvements not included in the petition or resolution and the estimated cost of the improvement. Upon the filing of the City Engineer's report with the City Clerk, the Council by resolution shall fix the time, hour and place when the City Engineer's report will be considered in public hearing and action taken thereon and shall direct the City Clerk to give notice of such hearing by publication once each week for two (2) consecutive weeks in the official newspaper of the City, and at least three days shall elapse between the last publication and the date of hearing. The notice shall describe in general language the improvement or improvements recommended in

the City Engineer's report and the estimated cost thereof, and shall include a description of the properties liable to be assessed therefor. At the time fixed in the notice or at such subsequent time or times to which the hearing may be adjourned, the Council shall hear all persons as care to be heard in reference thereto, and at the conclusion of the hearing, the Council shall determine by resolution whether the improvement or improvements, as set forth in the Engineer's report, or any part thereof, shall be made, which resolution shall describe the improvement or improvements to be made and the limits thereof, in general language.

6.05 Regulation by Ordinance: Immediately upon the adoption of this charter, the Council shall prepare and adopt a complete local improvement ordinance which may be amended from time to time as other ordinances. The ordinance shall provide a complete working code covering procedure for preparation of plans and specifications; the awarding of contracts, the determination of assessments; hearing on and appeals from special assessments; reassessments; the collection of assessments along with other taxes or other penalties for delinquency in making payments, the issuance of local improvement certificates or warrants; and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinance all proceedings pertaining to local improvements shall conform to the provisions of such local improvement ordinance.

6.06 Election to Come Under State Law or Local Improvement Ordinance: The City of Fergus Falls may elect to use the State Law or a Local Improvement Ordinance for the purpose of providing local improvements and assessments therefor.

ARTICLE 7

ACQUISITION OF PROPERTY

7.01 Power to Acquire: The City of Fergus Falls is hereby empowered to acquire by purchase, gift, devise or condemnation, any property, corporeal or incorporeal, either within or without the corporate boundaries, which may be desired by said City for any public use, convenience or purpose, or which may be necessary or desirable to enforce or administer any undertaking approved by the electorate at any election. In addition to the power to acquire property for other public purposes, the City may also acquire, as herein provided, any gas, water, sewage, heat, power, light, telephone, or other plant or other public utility, but no proceedings to acquire any such public utility shall be consummated unless authorized by a vote of the people by a three-fifths vote of those voting on the question at the election wherein the proposition is submitted to the electors. Easements for slopes, fills, sewers, drainage, building lines, poles, wires, pipes and conduits for water, gas, heat and power and for other public purposes may be acquired by gift, devise, purchase or condemnation in the manner provided by law.

7.02 Proceedings 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 accompanied 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 charter.

7.03 Payment of Award: Whenever an award of damages shall be made in any proceeding for the taking of property under this charter, or whenever the Court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the City shall have expired, the City shall be bound to, and shall within sixty (60) days of such final determination, pay the amount of the award with interest thereon at the rate provided by law from the date of the making of the award or judgment of the Court, as the case may be; and if not so paid, judgment therefor may be had against the City.

7.04 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 (30) days after final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses thereof, including fees of counsel.

7.05 City May Acquire 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 composing

such system, but all of the property, lands, articles, franchises and rights which enter into and go to make up such system may, unless otherwise ordered by the Court, be treated together as constituting one property, and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the City, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interest.

7.06 Sales of Real Property: No real property of the City shall be disposed of except by ordinance. 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 said property or any other property used for the same public purpose; but if there be no such outstanding indebtedness, then the Council may designate in the ordinance some other specific public purposes to which such proceeds will be devoted.

ARTICLE 8.

FRANCHISES AND PUBLIC UTILITIES

8.01 Definition of Franchise: The word "franchise" as used in this charter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon or under any of the roads, highways, alleys or public places of the City, whether such privilege has been or shall hereafter be granted either by the City or State.

8.02 Granting of Franchises: The Council by ordinance, may grant a franchise for the furnishing of any public utility service to the City and its inhabitants, but no franchise shall be granted by an emergency ordinance. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchise. No franchise shall be granted for a longer term than twenty (20) years.

8.03 Conditions and Transfer of Franchises: Every franchise or renewal, extension or amendment of a franchise hereafter granted shall:

- (1) Impose upon the utility the duty to furnish proper service at minimum attainable cost under proper organization and efficient management; the City Council shall have the right to require such extensions, additions, improvements and replacement of property as are reasonable and will result in economy or improvement in service, and it may issue such orders with respect to safety and other matters as may be necessary or desirable for the community.
- (2) Fix the maximum rates to be charged by the utility for the different classes of service and reserve to the City the power to revise such rates. No rate change proposed shall be effective until the same has been considered in public hearing upon ten (10) days published notice and adopted by ordinance thereafter. Rates fixed by the City may be subject to review by a Court of competent jurisdiction.
- (3) Reserve to the City the right at any time to apply to any court of competent jurisdiction for the cancellation of any franchise on the grounds of any substantial violation of the terms and conditions of such franchise. Every franchise granted shall include an agreement on the part of the utility consenting to the jurisdiction of the Court therefor.

No franchise shall be transferred by any utility to any other person or corporation without the approval of the City Council, and as a condition to such approval all the terms and conditions of this article shall be included in the transferred franchise.

8.04 Establishment of Municipally Owned and Operated Utilities: The City shall have power to own and operate any public utility, to construct and install all facilities that are reasonably needed, and to lease or purchase any existing properties used and useful in public service. The Council may provide by

ordinance for the establishment of such utility but any ordinance establishing any such utility, not heretofore authorized, shall be effective only after being submitted to and approved at a popular referendum by a 3/5

vote of those voting on the question at the election wherein the proposition is submitted to the electors. An ordinance providing for any extension, enlargement or improvement of an existing utility may be enacted as a matter of general municipal administration if funds are on hand and available for the work and no issue of general obligation bonds, certificates or warrants is necessary to finance the project. The City may also furnish service in adjacent rural areas which may be conveniently and economically served by the municipally owned and operated utility, subject to agreements with such communities and provisions of State law.

8.05 Purchase in Bulk or at Wholesale: The Council may in lieu of providing for the local production or generation of gas, electricity, water, and other utilities, purchase when requested by the Public Utilities Commission the same in bulk or at wholesale and resell them to local consumers at such rates as it may fix.

8.06 Sale of Public Utility: No public utility owned by the City whether acquired prior to the adoption of this charter or thereafter, shall be sold or otherwise disposed of by the City, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in an ordinance, passed by the Council and approved by 3/5ths of the votes of the electors voting thereon at a general or special election.

ARTICLE 9

NOMINATIONS AND ELECTIONS

9.01 Regular Municipal Elections: The first regular municipal election under this charter shall be held on the first Tuesday of April in 1957 and the second regular municipal election shall be held on the first Tuesday after the first Monday of December in 1957 and each regular municipal election thereafter shall be held on the first Tuesday after the first Monday in December of each year at such place or places as the City Council may designate. The City Clerk shall give at least five days previous notice of the time and place of holding such election and of the officers to be elected and proposals to be submitted, if any, by posting in at least one public place in each voting precinct and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election. At the regular election there shall be elected, in addition to the members of the Council, such municipal judges as may be provided by law.

9.02 Special Elections: The Council may by resolution order a special election and provide all means for holding it. At least two (2) weeks' published notice of a special election shall be given in the official newspaper. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

9.03 Procedure at Elections: Subject to the provisions of this charter and applicable State laws, the Council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided in this charter or in ordinances adopted pursuant thereto, the general laws of the State of Minnesota pertaining to elections shall apply to municipal elections.

9.04 Nominations: A candidate for City office shall file an affidavit at least fifteen (15) days before election with the City Clerk, or application on behalf of any qualified voter of the City whom they desire to be a candidate may be made and filed by not less than five (5) voters thereof; provided that service of a copy of the application shall be made on such candidate and proof of service endorsed on the application before filing. In either case the filing fee shall be one dollar (\$1.00). Such affidavit or application will state that the candidate is a qualified voter of the City of Fergus Falls and name the office for which he or she is a candidate.

9.05 Withdrawal: Any candidate may withdraw not later than 12:00 o'clock noon of the day following the last day for filing by filing a notice of withdrawal with the City Clerk.

9.06 Canvass of Elections: The Council shall meet and canvass the election returns within five (5) 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 ballots cast; (b) the total number of good ballots cast; (c) the total number of spoiled or defective ballots; (d) the vote for each candidate with an indication of those who were elected; (e) the votes on any question submitted, if any; (f) a true copy of the ballots used; (g) the names of the Judges and Clerks of Election; and (h) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected of the fact of their election.

ARTICLE 10.

INITIATIVE, REFERENDUM, AND RECALL

10.01 Powers reserved by the people: The people of the City of Fergus Falls, reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt ordinances and resolutions, to require measures passed by the Council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

10.02 Expenditures by petitioners: No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring expenses for legal advice, stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

10.03 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

10.04 Initiation of measures: Any five (5) 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.

10.05 Form of petition and of signature papers: The petition for the adoption of any measure shall consist of the measure, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least five (5) per cent of the total number of voters registered on the date of the preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

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

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

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

	Name	Address
1.
2.
3.

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

10.06 Filing petitions and action thereon: All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) 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 equal to five per cent (5%) of the total number of voters registered on the date of the 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 (30) 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 City 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 any special election, at its option.

10.07 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 (65) days after date upon which such measure was submitted to the Council by the City Clerk. If the Council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted by the Council to the vote of the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least five per cent (5%) of the total number of voters

registered on the date of the preceding regular municipal election, then the Council shall call a special election, upon the measure to be held not less than thirty (30) nor more than forty-five (45) days from such date, unless a regular election is to occur within three (3) 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 (4/5ths) of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the City Clerk within ten (10) days from the passage thereof by the Council, then the measure need not be submitted to the electors.

10.08 Initiative ballots: The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "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.

10.09 Initiation of charter amendments: Nothing in this charter contained shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this charter.

REFERENDUM

10.10 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 seven (7) per cent of the total number of voters registered on the date of the preceding 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 and no 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.

10.11 Referendum petitions: The requirements laid down in sections 10.04 and 10.05 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) to (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. The proposed repeal is sponsored by the following committee of electors.

	<u>Name</u>	<u>Address</u>
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.

	<u>Name</u>	<u>Address</u>
1.
2.
3.

10.12 Referendum ballots: The ballots used in any referendum election shall conform to the rules laid down in Section 10.08 of this charter for initiative ballots.

RECALL

10.13 The recall: Any five (5) electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The Committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

10.14 Recall petitions: The petition for the recall of any official shall consist of a certificate identical with that filed with the City Clerk together with all the 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 (10%) of the total number of voters registered on the date of the preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Recall petition

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

	<u>Name</u>	<u>Address</u>
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.

	<u>Name</u>	<u>Address</u>
1.
2.
3.

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

10.15 Filing of Petition: Within thirty (30) 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 (5) days, and if he finds it irregular in any way, or finds that the number of signers is less than Ten per cent (10%) of the total number of voters registered on the date of the preceding regular municipal election, he shall so notify one or more members of the committee. The committee shall then be given ten (10) 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.

10.16 Recall election: 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 (30) nor more than forty-five (45) days thereafter, provided that if any other municipal election is to occur within sixty (60) days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

10.17 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 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.

10.18 Form of recall ballot: Unless the officer whose removal is sought shall have resigned within ten (10) 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 (10) 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 a regular municipal election.

10.19 Recall of Aldermen, Election by Wards: When the officer sought to be recalled is a ward alderman, only voters who are residents in his ward shall be eligible to sign the recall petition and vote at the recall election and the required number of signatures on the petition shall be based on the total number of voters registered in the ward on the date of the preceding regular municipal election.

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 (10) 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 a regular municipal election.

10.20 Recall of Council Members, Election by Wards: When the officer sought to be recalled is a council member, only voters who are residents in his ward shall be eligible to sign the recall petition and vote at the recall election and the required number of signatures on the petition shall be based on the total number of voters registered in the ward on the date of the preceding regular municipal election.

ARTICLE 11.

GENERAL PROVISIONS

11.01 Official Publications: The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

11.02 Oath of Office: Every officer of the City shall, before entering upon the duties of his office, take and subscribe an oath of office and file the same in the office of the City Clerk.

11.03 Official Bonds: The City Clerk and Treasurer and such other officials or employees as the Council may by ordinance require so to do, shall give bond in such amount and with such corporate surety as may be approved by the Council. The premiums on such bonds shall be paid by the City.

11.04 Vacating Streets: No street, alley or other public place within the City shall be vacated except by ordinance adopted by the Council approved by six (6) members thereof, after a public hearing before the Council upon ten (10) days published notice of the time and place of such hearing. A record of such vacation shall be made in the Office of the Register of Deeds of Otter Tail County.

11.05 Continuance of Present Officers and Employees: All persons holding administrative offices at the time this charter takes effect shall continue in office and in the performance of their duties until provisions shall have been made in accordance herewith for the performance of their duties or the discontinuance of such office. The powers conferred and the duties imposed upon any office, department or agency of the City by the laws of the State shall, if such office, department or agency be abolished by this charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by the Council unless otherwise provided herein. Any persons holding an office or position in the City government under civil service when this charter takes effect, shall continue in that office and shall thereafter be subject in all respects to the provisions of this amended charter, the civil service laws and ordinances in effect in the City and the General laws of the State of Minnesota. Other persons in the City service at the time this charter takes effect shall be regarded as holding their positions under provisional appointments.

11.06 Statutes Not Affected by Amendment: All general laws and statutes of the State applicable to cities operating under home rule charters, and/or applicable to cities of the same class as the City of Fergus Falls, and not inconsistent with the provisions of this charter, shall apply to the City and shall be construed as supplementary to the provisions of this charter.

11.07 Continuance of Rights, Contracts, Obligations, Public Improvements, etc.: The City shall continue to own all the property, rights, and privileges, and shall be subject to all the legal obligations of the City in effect at the time of the adoption of this charter. Without limiting the generality of the foregoing, all contracts entered into by the City, or for its benefit, prior to the taking effect of this charter, shall continue in full force and effect, and public improvements for which legislative steps have been taken under laws or charter provisions existing at the time this charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws and charter provisions.

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

11.09 Ordinances to Make Charter Effective: The Council is hereby empowered to, and it shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this amended charter.

11.10 Effective Date of Charter Amendment: This charter amendment shall become operative and effective on the 31st day of December, which follows its final approval by the voters of the City.

TRANSMITTAL ORDER

To the Honorable Henry A. Winther, Mayor and Chief Executive Officer of the City of Fergus Falls:

We, the undersigned board of 15 free-holders, heretofore duly appointed by the District Judges of the Seventh Judicial District in which the City of Fergus Falls is situated, to draft a proposed charter and amendments thereto for the said City of Fergus Falls pursuant to Section 36 of Article 4 of the Constitution of Minnesota and the Laws of the State of Minnesota enacted in pursuance thereof, do hereby respectfully return, submit and deliver to you as the chief magistrate and executive officer of said City of Fergus Falls, the foregoing proposed amendment to the Charter of the City of Fergus Falls, which charter was adopted by the qualified voters of the City of Fergus Falls in 1903, and which said charter is in effect an amendment to the Home Rule Charter of said City adopted in 1903.

And we do hereby respectfully propose and submit for adoption by the qualified voters of the City of Fergus Falls the foregoing proposed amendment to said City Charter as returned and proposed by the undersigned Board of Freeholders, constituting the Charter Commission of the said City this 26th day of September, 1956.

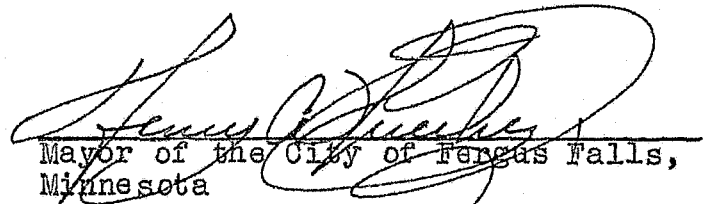
/s/ Howard LaValley
/s/ V. C. Jensen
/s/ Melvin W. Townsend
/s/ M. G. Brimhall
/s/ G. M. Kantrud
/s/ W. F. Ebersviller
/s/ Earl C. Hanson
/s/ Mrs. J. C. Hoff
/s/ John L. Townley, Jr.
/s/ H. E. Swenson
/s/ Audrey B. Monson
/s/ Mrs. H. W. Britt
/s/ Vernon C. Arneson

CERTIFICATION


I, Henry A. Winther, Mayor of the City of Fergus Falls, Minnesota, do hereby certify that the hereto attached document was duly prepared by a board of 15 freeholders, duly appointed by the Judges of the District Court of the District in which said City of Fergus Falls is situated, pursuant to Section 36 of Article 4 of the Constitution of the State of Minnesota and the Laws of the State of Minnesota enacted in pursuance thereof, for the purpose of submitting amendments to the Charter of said City and by said Board of Freeholders duly presented to the Mayor of said City and by him duly presented to the City Council of said City, who thereupon duly ordered said proposed amendment to the City Charter to be submitted to the voters of said City at a special election to be held for that purpose November 6th, 1956.

I further certify that said election was duly held on said date and said proposed amendments to the City Charter were duly ratified by the voters of said City at said election by the following vote: 3636 votes for the adoption of said proposed amendments to the City Charter and 1290 votes against the adoption of said proposed amendments to the City Charter and no spoiled ballots, there being a total of 4926 votes cast in said election.

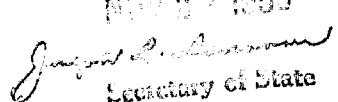
IN TESTIMONY WHEREOF, I have hereunto fixed my name as Mayor of said City and caused the seal of this City to be affixed this 19th day of November, 1956.


Mayor of the City of Fergus Falls,
Minnesota

ATTEST:


City Clerk
City of Fergus Falls, Minnesota

Philip R. Monson
Attorney for Charter Commission
Fergus Falls, Minnesota

#13117
O.D.
STATE OF MINNESOTA
DEPARTMENT OF STATE
NOV 8 1956

Secretary of State

#13117

O.D.

MINNESOTA

DEPT. OF STATE

RECEIVED

NOV 2 1955

James E. ...
Secretary of State