

State of Minnesota
County of Freeborn
City of Albert Lea

CERTIFICATE

I, Miles E. Shoff, do hereby certify as follows:

1. That I am the Mayor and Chief Legislator of the City of Albert Lea, Freeborn County, Minnesota.

2. That at a Special Election duly held on September 13, 1960 in said City of Albert Lea, thirteen proposed amendments to the Charter of said City were duly submitted to the voters. Said proposed amendments were to Sections 9, 11, 17, 18, 21, 22, 50(b), 53, 54, 62, 75, 76 and 104 of the Charter, so that if adopted these sections would read as follows:

Section 9. A vacancy in the council from any ward shall be deemed to exist in 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, or by reason of the death, resignation, removal from office, removal from the ward, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case the council shall by resolution declare such vacancy to exist, and shall forthwith call a special election in such ward to fill the same for the unexpired term. Provided, however, that if a vacancy occurs less than one year prior to the next regular municipal election, the council shall not call a special election, but shall forthwith appoint an eligible person to fill the vacancy until the first Monday following the first Tuesday in January of the year following said election. At the said election, next following the vacancy, said vacancy shall be filled for the unexpired term, if any, or for the new term. Any vacancy in the representation of any ward in the council resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case.

Section 11. Councilmen shall each receive as compensation for their services the sum of \$600.00 per year. The mayor shall receive as compensation for services the sum of \$1200.00 per year. When meeting as a board of equalization councilmen and mayor shall each receive in addition a sum not to exceed One Dollar per hour of actual service. The City Manager and all subordinate officers and employees of the City shall receive such salaries or wages as may be set by the Council.

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

Section 18. The enacting clause of all ordinances passed by the council shall be in the words, "The City of Albert Lea does ordain." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances, shall have two public readings in full, and at least three days shall elapse between the first and second readings thereof. Every ordinance and resolution, other than emergency ordinances or resolutions, appropriating money in excess of \$2000.00 or authorizing the making of any contract involv-

#14844

ing a liability on the part of the city in excess of \$2000.00, shall remain on file in the office of the secretary of the council at least one week, and shall be published at least once in the official newspaper of the City, or posted on the official bulletin boards in the manner provided in this charter, before passage, and notwithstanding any other provision in this charter shall take effect immediately upon passage, unless a later date is specified therein.

Section 21. Every ordinance or resolution passed by the council shall be signed by the mayor or by two other members, and shall be filed with the secretary of the council within two days after passage and by him recorded and preserved. Ordinances or resolutions which are required to be published prior to passage need not be published after passage. Every other ordinance and resolution shall be published at least once in the official paper of the city within fifteen days after its passage by the council, or in lieu thereof may be posted on bulletin boards as in this charter provided, and shall be recorded in a book kept for that purpose, which record shall be attested by the secretary of the council; provided that the publication of resolutions not involving the expenditure of money may be dispensed with if so ordered by the council.

Section 22. Emergency ordinances and all resolutions, and ordinances and resolutions making the annual tax levy, determining the annual budget, and providing for local improvements and assessments, shall take effect immediately upon their passage. All other ordinances enacted by the council shall take effect thirty days after the date of their passage, unless a later date is fixed therein, in which event they shall take effect at such later date. Ordinances and resolutions adopted by the electors of the city shall take effect at the time fixed therein, or, if no such time is designated therein, then immediately upon the adoption thereof.

Section 50 (b) To appoint and remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone; except that department head appointments shall be subject to confirmation or denial by the City Council, and such confirmation or denial shall be given within 30 days. Failure to confirm within said time shall be deemed denial.

Section 53. The city manager shall be the chief purchasing agent of the city. All purchases on behalf of the city shall be made, and all contracts let by the city manager subject to approval of the council. Such approval must be given in advance, whenever the amount of such purchase exceeds the sum of \$1000.00. All contracts, bonds, and other instruments of every kind to which the city shall be a party shall be signed by the mayor on behalf of the city as well as by the city manager and shall be executed in the name of the city.

Section 54. In all cases of work to be done by contract, and in all cases of purchase of personal property of any kind, where the amount involved is more than \$2000.00, unless the council shall by an emergency ordinance otherwise provide, the city manager shall advertise for bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only by the council upon the recommendation of the city manager, and shall be let to the lowest, responsible bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by five-sevenths vote for the doing of work with patented processes, or from the purchase of patented appliances by the same majority. Further regulations for the making of bids and the letting of contracts shall be made by ordinance, subject to the provisions of this charter.

Section 52. After the budget shall have been duly adopted, the council shall not have power to increase the amounts therein fixed, whether by insertion of new items or otherwise, beyond the estimated revenues and unappropriated surplus on hand, unless the actual receipts shall exceed such estimates, and

Cont. - Sec. 62

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

Section 75. The City of Albert Lea shall have the power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of a local character, such special assessments to be levied against each lot or other unit of property separately as the same may be platted or subdivided. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvement with interest until paid, but shall in no case exceed the value of the benefits received by such property. No levy of special assessments shall be deemed invalid by reason of the fact that the total amount of such assessments shall exceed the actual cost of the improvement, but in case there shall be any excess of assessments over actual cost, the City Council shall have the power, and it shall be its duty, to provide for a pro rata return or remission of such excess assessments to the persons who are by law entitled to the same.

All improvements to be paid for by special assessment against the benefited property shall be instituted by either of two methods, as follows:

Method 1. The procedure shall be as authorized by the laws of the State of Minnesota.

Method 2. The procedure shall be as the Council shall determine and establish by ordinance.

The City Council by five-sevenths (5/7) affirmative vote of its members may initiate proceedings for the repair or replacement with suitable materials of special assessment improvements. Such proceedings may be initiated by adoption of a resolution describing the repair or replacement contemplated, and the necessity therefor, and setting forth in said resolution the time and place of a hearing to be held before the Council on such proposed repair or replacement. Notice of the time, place and purpose of said hearing shall be published once in the official newspaper of the city at least one week prior to said hearing. In addition, a copy of such notice shall be mailed at least one week prior to said hearing to each affected resident property owner at his last known city address. Prior to said hearing the City Manager shall prepare an estimate of the cost of the proposed repair or replacement, both in unit price and in total thereof. At said hearing the Council shall hear all interested parties and if, after such hearing, the Council shall to decide by a five-sevenths (5/7) affirmative vote of the members thereof, it may proceed with such repair or replacement, provided, however, that no contract therefor shall be let in the event the contract price exceeds the estimated cost made by the City Manager as hereinbefore prescribed. In the event the cost of any such repair or replacement shall not exceed twenty-five dollars (\$25.00) on any one parcel or property, the City Council may, without hearing, by five-sevenths (5/7) affirmative vote of its members order such repair or replacement made after giving ten days written notice to the owner of such property at his last known city address.

Special assessments to cover the cost of any such repair or replacement shall be levied as hereinabove provided for.

Section 76 repealed and Section 77 renumbered to 76 Sept. 13, 1960

Section 76. Public works, including all local improvements, may be constructed, extended, repaired, and maintained, either directly by day labor or by contract. The city shall require contractors to give bonds for the protection of the city, the employees and materialmen.

Section 104. No action shall be maintained against the city in account of injuries or damages to persons or property, unless such action shall be commenced within one year from the occurrence of such injury or damage, nor unless notice shall have been given in writing to the city clerk within thirty days of the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which the same occurred, and that the person injured or damaged will claim damages of the city therefor. Provided, however, that the time for giving such notice shall not include any period of time, next succeeding the occurrence of the injury, during which the person injured is incapacitated from giving such notice by reason of the injury sustained, such additional period of time not to exceed 90 days from date of the occurrence.

3. I do further certify that at said election more than fifty-five percent of those lawfully voting thereon on each of the individual propositions did duly declare in favor of said proposed propositions; that the same were carried and the Council, having duly canvassed said vote thereupon by resolution, duly declared the adoption of all of said thirteen amendments and that it was duly ratified. In accordance therewith, I do hereby certify that said thirteen amendments have been duly ratified, adopted and will take effect as by law provided.

Dated October 11, 1960

Will R. Hoff
Mayor and Chief Magistrate
City of Albert Lea, Minnesota

#14844
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 13 1960
Joseph R. Hennings
Secretary of State