

# CITY OF BLOOMINGTON

10200 PENN AVENUE SOUTH •• BLOOMINGTON 20, MINNESOTA  
TUXEDO 1-5811

February 1, 1961

Mr. Joseph L. Donovan  
Secretary of State  
Room 128 Capitol Building  
St. Paul, Minnesota

Dear Sir:

We enclose for your records a certified copy of the recently adopted City Charter for the City of Bloomington.

This Charter was adopted by the voters at the Special Charter Election held on November 8th, 1960.

Respectfully yours,

CITY OF BLOOMINGTON

*Milo A. Hall*

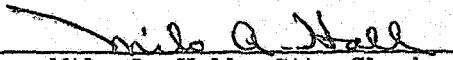
Milo A. Hall  
City Clerk

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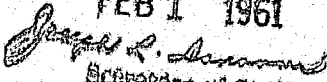
#14991 O.D.  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 1 1961  
*Joseph L. Donovan*  
Secretary of State

STATE OF MINNESOTA  
COUNTY OF HENNEPIN  
CITY OF BLOOMINGTON

I hereby certify that the attached is a true and correct copy of the City Charter on file in my office, which was adopted by the voters of the Village of Bloomington at the Special Charter Election held on November 8th, 1960, by a majority vote of 10,641 as against 6,932.

  
Milo A. Hall, City Clerk

Dated this 1<sup>st</sup> day of February 19 61.

#14991  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
FEB 1 1961  
  
Secretary of State

PROPOSED  
HOME RULE  
CHARTER

NOVEMBER

1960

City of  
BLOOMINGTON  
Minnesota

T A B L E   O F   C O N T E N T S

|  | Page |
|--|------|
| Chapter I .....<br>(Name, Boundaries, Powers and General Provisions) | 1    |
| Chapter II .....<br>(Form of Government)                             | 1    |
| Chapter III .....<br>(Procedure of Council)                          | 3    |
| Chapter IV .....<br>(Nominations & Elections)                        | 4    |
| Chapter V .....<br>(Initiative, Referendum and Recall)               | 5    |
| Chapter VI .....<br>(Administration of City Affairs)                 | 10   |
| Chapter VII .....<br>(Taxation and Finance)                          | 12   |
| Chapter VIII .....<br>(Public Improvements and Special Assessments)  | 15   |
| Chapter IX .....<br>(Eminent Domain)                                 | 16   |
| Chapter X .....<br>(Franchises)                                      | 16   |
| Chapter XI .....<br>(Public Ownership and Operation of Utilities)    | 17   |
| Chapter XII .....<br>(Miscellaneous and Transitory Provisions)       | 18   |
| Certificate of Commission.....                                       | 21   |
| Index.....   | 22   |

BLOOMINGTON CHARTER COMMISSION

|  |                              |
|--|------------------------------|
| Lester C. Lindstrom<br>Chairman                        | 8401-15th Avenue South       |
| Warren Abrahamson                                      | 8314 Harriet Avenue South    |
| Mrs. Mae Brown   | 323 East 104th Street        |
| Mrs. Betty Cadwell                                     | 9808 Stevens Avenue South    |
| Edward D. Constantine                                  | 1300 Bliss Lane              |
| William F. Davnie                                      | 8231 Bryant Avenue South     |
| Walt W. Edwards  | 2820 Overlook Drive          |
| Paul Ericson   | 8400 Irving Avenue South     |
| Tom Helvig   | 8617 Crest Road              |
| Mrs. Dorothy Hoblit                                    | 2401 West 98th Street        |
| Mrs. E. H. Newstrom                                    | 4301 Overlook Drive          |
| Joseph G. Rinnac                                       | 10554 Wentworth Avenue South |
| Bob Smith  | 8910 Wentworth Avenue South  |
| Mrs. Burnadeen R. Soderlind                            | 1021 Valley High Drive       |
| Thomas E. Ticen<br>Attorney for the Charter Commission | 9420 Lyndale Avenue South    |

## CHAPTER I.

### Name, Boundaries, Powers and General Provisions

Section 1.01. Name and Boundaries. The City of Bloomington, in the County of Hennepin and State of Minnesota, shall, upon the taking effect of this charter, continue to be a municipal corporation, under the name and style of the City of Bloomington, with the same boundaries as now are or hereafter may be established.

Section 1.02. Powers of the City. The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this charter that every power which the people of the City of Bloomington might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this charter shall be deemed to have been so conferred by the provisions of this section. This charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Section 1.03. Charter a Public Act. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

## CHAPTER II.

### Form of Government

Section 2.01. Form of Government. The form of government established by this charter is the "Council-Manager Plan." The council shall exercise the legislative power of the city and determine all matters of policy. The city manager shall be the head of the administrative branch of the city government and shall be responsible to the council for the proper administration of all affairs relating to the city.

Section 2.02. Boards and Commissions. There shall be no separate administrative board of Health, Library board, park board or any other administrative board or commission, except for the administration of a function jointly with another political subdivision; provided, however, that there shall be a merit board to be established pursuant to the provisions of Section 6.03. The council shall itself, be and perform the duties and exercise the powers of such boards and commissions except the merit board. The council may, however, establish boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city or to perform quasi-judicial functions.

### Section 2.03. Elective Officers.

Subdivision 1. Mayor and Council. The council shall be composed of a mayor and six councilmen who shall be qualified electors and who shall be elected at large. Except as hereinafter provided each councilman shall serve for a term of four years and until his successor is elected and qualifies. The mayor shall serve for a term of two years and until his successor is elected and qualifies. The council shall be judges of the election of the mayor and councilmen.

Subdivision 2. Terms of Office. At the 1961 city election there shall be elected the mayor, who shall serve for two years, one councilman who shall serve for four years and two councilmen who shall serve for two years. At the 1962 city election

there shall be elected two councilmen who shall serve for three years. At the 1963 city election there shall be elected the mayor who shall serve for two years and three councilmen who shall serve for four years. At the 1965 city election there shall be elected the mayor who shall serve for two years and three councilmen who shall serve for four years. Thereafter at the regular municipal elections to be held as otherwise provided hereafter, the mayor shall be elected to serve for two years and the six councilmen shall be elected for terms of four years, three of whom shall be elected at each alternate biannual election. All duly elected members of the village council of the Village of Bloomington shall continue to act in their elected capacity, until their successors are elected and qualify pursuant to this charter. The terms of office of the mayor and each councilman shall commence on the first business day of January following his election.

Section 2.04. Incompatible Offices. No member of the council shall be appointed city manager, nor shall any member hold any other paid municipal office or employment under the city; and until one year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid appointive office or employment under the city which office or employment was created or the emoluments of which were increased by the council during his term as councilman.

Section 2.05. Vacancies in the Council. In addition to the other provisions of this chapter, a vacancy in the council 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 city, 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 such cases the council shall, by resolution, declare such vacancy to exist and shall, within three months thereafter, appoint an eligible person to fill such office until the next regular municipal election when the office shall be filled for the unexpired term. In the event the council fails to make such appointment within a three month period, or in the event the council votes three times on the appointment and fails to fill the vacancy, the mayor shall appoint an eligible person to fill the vacancy and a special election shall be held within six months thereafter to elect an eligible person for the unexpired term of office. If a regular municipal election is to be held within the six month period, then the vacancy for the unexpired term shall be filled at such regular municipal election.

Section 2.06. The Mayor. The mayor shall be the presiding officer of the council, except that the council shall choose from its members an acting mayor who shall hold office at the pleasure of the council and shall serve as mayor during the disability or absence of the mayor from the city or in case of a vacancy in the office of mayor, until a successor has been appointed and qualifies. The mayor shall have a vote as a member of the council. He shall exercise all powers and perform all duties conferred and imposed upon him by the charter, the ordinances of the city, and the laws of the state. He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law. He shall study the operations of the city government and shall report to the council any neglect, dereliction of duty or waste on the part of any officer or department of the city. In time of public danger or emergency he may, with the consent of the council, take command of the police, maintain order and enforce the law.

Section 2.07. Salaries. The members of the council shall receive a salary, the amount and payment of which shall be prescribed by ordinance. Until the first such ordinance is duly adopted the members of the council shall each receive as a salary the sum of \$150.00 per month. In addition thereto the mayor shall receive as additional salary the sum of \$50.00 per month. Any increase in salary must be passed by a five-sevenths majority of the council. When authorized by the council, its members shall be compensated for their expenses incurred in connection with the city's business. The city manager and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

Section 2.08. Investigation of City Affairs. The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council shall provide for an audit of the city's accounts at least once a year by the state department in charge of such work or by a certified public accountant. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.09. Interferences with Administration. The council or any of its members shall in no way dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the council and its members shall deal with and control the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

### CHAPTER III.

#### Procedure of Council

Section 3.01. Council Meetings. On the first business day of January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. Thereafter the council shall meet at such times each month as may be prescribed by ordinance or resolution. The mayor or any three members of the council may call special meetings of the council upon at least twelve hours notice to each member of the council and such notice shall be posted at the city hall for a like period. Such notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. All meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 3.02. Secretary of Council. The secretary of council shall keep a journal of council proceedings and such other records and perform such other duties as this charter or the council may require. The council may appoint such other officers and employees as may be necessary to serve at its meetings. The council may designate the city clerk or any other official or employee of the city (except the city manager or a member of the council) to act as secretary of the council.

Section 3.03. Rules of Procedure and Quorum. The council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. Ordinances, Resolutions and Motions. Except as in this charter otherwise provided, all legislation shall be by ordinance. The aye and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter.

Section 3.05. Procedure On Ordinances. A statement of the purpose and effect of every ordinance, except an emergency ordinance, stating the time and place at which it will be considered, shall be published once in the official newspaper at least one week prior to its introduction and final passage.



Section 3.06. Emergency Ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto and is adopted by a vote of at least five members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the secretary of council and posted in a conspicuous place at the city hall or until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 3.07. Procedure on Resolutions. Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

Section 3.08. Signing and Publication of Ordinances and Resolutions. Every ordinance or resolution passed by the council shall be signed by the mayor or by the acting mayor, attested by the secretary of the council and filed and preserved by him. Every ordinance and such resolutions as may be designated by the mayor or by two other members of the council shall be published at least once in the official newspaper. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Section 3.09. When Ordinances and Resolutions Take Effect. A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed in it. Every other ordinance shall take effect upon publication unless a later date not to exceed 30 days is fixed in it. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption, or at such later time as is fixed therein.

Section 3.10. Amendment and Repeal of Ordinances and Resolutions. Every ordinance or resolution repealing a previous ordinance or resolution or a section or subdivision thereof shall give the number, if any, and the title to the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate new matter by underscoring and old matter to be omitted by enclosing it in brackets. In newspaper publication, the same indications of omitted and new matter shall be used except that italics or bold-faced type may be substituted for underscoring and omitted matter may be printed in capital letters within parentheses.

Section 3.11. Revision and Codification of Ordinances. The city may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the council. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the council at the office of the secretary of the council for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the secretary of the council is published in the official newspaper for at least two successive weeks.

#### CHAPTER IV.

##### Nominations & Elections

Section 4.01. The Regular Municipal Election. Regular municipal elections shall

be held on the first Tuesday after the first Monday of November in 1961, 1962, 1963, 1965 for the election of the officers as provided in Chapter II. Regular municipal elections shall be held on the first Tuesday after the first Monday of November of each odd numbered year commencing in 1965. Such elections shall be held at such place or places as the city council shall designate. The city clerk shall give notice of all elections in the manner prescribed by the laws of Minnesota for cities of the same classification as Bloomington, 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.

Section 4.02. Primary Elections. On Tuesday 4 weeks in advance of the regular municipal election there shall be a primary election for the selection of two nominees for each elective office at the regular municipal election, unless only two nominees file for each elective office.

Section 4.03. Special Elections. The council may by resolution order a special election and provide all means for holding it. Published notice of a special election shall be given in the official newspaper at least two weeks prior to such special election. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.04. Filing of Candidates. All elective officers provided for by this charter who shall desire to be elected to any elected office shall file an affidavit not more than six weeks nor less than four weeks before the primary election with the city clerk paying to such officer a fee of \$2.00. The city clerk shall prepare and have printed at the expense of the city the necessary tally books and ballots or other required material for voting machines for such election. The ballots or other required material for voting machines shall be printed. The ballots or other material for voting machines shall contain no political party designation of any candidate and the names of the candidates for each office may be arranged on the ballot alphabetically according to the surname of each candidate. The ballots or the results obtained from voting machines shall be counted and preserved and the city clerk shall be the final custodian of such ballots or returns from voting machines for the city. A sample ballot or a facsimile representation of the control panel of the voting machine shall be posted at the place of election at least one week before such election by the city clerk, whose duty it is to preserve such sample ballots.

Section 4.05. Provisions of General Election Law to Apply. All of the provisions of law now in force in connection with elections are hereby made applicable to the elections of the City of Bloomington.

Section 4.06. Canvass of Elections. The council shall meet and canvass the election returns within five days after the election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the true vote for each candidate, with an indication of those who were elected or nominated; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected or nominated of their election or nomination.

Section 4.07. Procedure at Elections. The city council may by ordinance adopt such rules and regulations as may be necessary or desirable to regulate the conduct of elections subject to the provisions of this charter and the laws of the State of Minnesota when applicable.

#### CHAPTER V.

#### Initiative, Referendum and Recall

Section 5.01. Powers Reserved by the People. The people of Bloomington reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when passed by the council to be referred to the electors for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

Section 5.02. 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 paying for legal advice and from incurring an expense not to exceed \$200 for stationery, copying, printing, and notary fees. Any violation of the provisions of this section is a misdemeanor.

Section 5.03. Further Regulations. The council may provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this charter, as it deems necessary.

INITIATIVE

Section 5.04. Initiative of Measures. Any five electors may form themselves into a committee for the initiation of any ordinance, except as provided in Section 5.01. Before circulating any petition they shall submit to the city attorney a copy of the proposed ordinance and he shall approve same or put it into a form which is legally sufficient for the purpose intended. Shall he fail to take such action within ten days from the date on which the proposed ordinance is submitted to him, such proposed ordinance shall be deemed legally sufficient and a verified copy thereof shall be filed with the city clerk, together with the names and addresses of the members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Section 5.05. Form of Petition and of Signature Papers. The petition for the adoption of any ordinance shall consist of the ordinance, 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 of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Initiative Petition

proposing an ordinance to \_\_\_\_\_ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of electors:

| Name     | Address |
|----------|---------|
| 1. _____ | _____   |
| 2. _____ | _____   |
| 3. _____ | _____   |

The undersigned electors, understanding the terms and the nature of the ordinance hereto attached, petition the council for its adoption, or, in lieu thereof, for

its submission to the electors for their approval.

| Name     | Address |
|----------|---------|
| 1. _____ | _____   |
| 2. _____ | _____   |
| 3. _____ | _____   |

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

Section 5.06. Filing of Petitions and Action Thereon. All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five days after the filing of the petition, the city clerk shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least ten per cent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 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 clerk shall file it 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 ordinance to the electors at the next regular or any special election at its option.

Section 5.07. Action of Council on Petition. When the petition is 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 ordinance 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 ordinance, after the holding of which the ordinance shall be finally acted upon by the council not later than 65 days after the date upon which it was submitted to the council by the city clerk. If the council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least 15% of the total number of voters voting at the last regular municipal election, the council shall call a special election upon the measure. Such special election shall be held not less than 30 nor more than 45 days from date of final action on the ordinance by the council or after the expiration of 65 days from the date of submission to the council when there has been no final action; but if a regular election is to occur within three months, the council may submit the ordinance at that election. If the council passes the proposed ordinance with amendments and at least 4/5 of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the city clerk within 10 days of the passage thereof by the council, the ordinance need not be submitted to the electors.

Section 5.08. Initiative Ballots. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If

a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the city. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the question shall prevail to the extent of the inconsistency.

Section 5.09. Initiation of Charter Amendments. Nothing in this charter 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.

Section 5.10. The Referendum. Within 15 days after the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to 15 per cent of the total vote at the last regular municipal election is filed with the city clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote re-affirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If the majority of the electors voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.11. Referendum Petition. The requirements laid down in Section 5.04 and 5.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such changes as may be necessary. A referendum petition shall read as follows:

Referendum Petition

proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

| Name     | Address |
|----------|---------|
| 1. _____ | _____   |
| 2. _____ | _____   |
| 3. _____ | _____   |

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

| Name     | Address |
|----------|---------|
| 1. _____ | _____   |
| 2. _____ | _____   |
| 3. _____ | _____   |



Section 5.12. Referendum Ballots. The ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this charter for initiative ballots.

C. U.

Section 5.13. The Recall. Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. 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 250 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.

Section 5.14. 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. All the signatures need not be on one signature paper, but the circulator of every 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 papers shall be in substantially the following form:

Recall Petition

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

| Name     | Address |
|----------|---------|
| 1. _____ | _____   |
| 2. _____ | _____   |
| 3. _____ | _____   |

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

| Name     | Address |
|----------|---------|
| 1. _____ | _____   |
| 2. _____ | _____   |
| 3. _____ | _____   |

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

Section 5.15. Filing of Petition. Within 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 petition within the next five days, and if he finds it irregular in any way, or finds that the number of signers is less than 25 per cent of the total number of electors who cast their votes at the last preceding regular municipal election, he shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they

may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still insufficient or irregular, he shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

Section 5.16. Recall Election. If the petition or amended petition is 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 resolution, provide for the holding of a special recall election not less than 30 nor more than 45 days after such meeting, but if any other election is to occur within 60 days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 5.17. Procedure at Recall Election. The clerk shall include with the published notice of the election the statement of the grounds for recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Section 5.18. Form of Recall Ballot. Unless the officer whose removal is sought resigns within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall be recalled?" the name of the officer whose recall is sought being inserted in the blank, 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 if recalled"; but the officer whose recall is sought shall not himself be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and 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 resigns within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at the regular municipal election.

## CHAPTER VI.

### Administration of City Affairs

Section 6.01. The City Manager. The city manager shall be the chief administrative officer of the city. He shall be chosen by the council solely on the basis of his training, experience, and administrative qualifications and need not be a resident of the city at the time of his appointment. The city manager shall be appointed for an indefinite period and may be removed by the council at any time; but after he has served as manager for one year, he may demand written charges and a public hearing on the charges before the council prior to the date when his final removal takes effect. After such hearing, if one is demanded, the council shall have unlimited discretion, either to reinstate the manager or make his removal final. Pending such hearing and removal, the council may suspend the manager from office. The council may designate some properly qualified person to perform the duties of the manager during his absence or disability or while the office of manager is vacant.

Section 6.02. Powers and Duties of the City Manager.

Subdivision 1. Subject to the provisions of this charter and any council regulations

consistent therewith, the city manager shall control and direct the administration of the city's affairs. He shall have the powers and duties set forth in the following subdivisions:

Subdivision 2. He shall see that this charter and the laws, ordinances and resolutions of the city are enforced;

Subdivision 3. He shall exercise control over all departments and divisions of the city administration created by this charter or by the council.

Subdivision 4. He shall attend all meetings of the council, with the right to take part in the discussion but not to vote; but the council may in its discretion exclude him from any meeting at which his removal is considered.

Subdivision 5. He shall recommend to the council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs.

Subdivision 6. He shall keep the council fully advised as to the financial condition and needs of the city, and he shall prepare and submit to the council an annual budget.

Subdivision 7. He shall prepare and submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time he shall suggest amendments to such code.

Subdivision 8. He shall perform such other duties as may be prescribed by this charter or by law or required of him by ordinances or resolutions adopted by the council.

#### Section 6.03. Merit System.

Subdivision 1. The city council shall, by ordinance, establish a merit system, which shall cover all presently employed permanent employees of the Village of Bloomington and all future permanent employees of the City of Bloomington excepting the City Manager and the City Attorney and their respective staffs exclusive of clerical, who shall not be covered by the merit system.

Subdivision 2. Such ordinance shall establish a merit board composed of three members appointed by the council from among the qualified electors of the city. Each member shall serve for a term of three years and until a successor is appointed and qualified, except that of the members initially appointed, one shall serve for a term of one year, one shall serve for a term of two years and one shall serve for a term of three years. The members shall serve without compensation but shall be reimbursed for expenses incurred in connection with the city's business. The city council may at any time remove a member from the merit board for just cause.

Subdivision 3. All city employees and officers covered by the merit system as provided for herein, shall be appointed by the City Manager on the basis of merit and fitness, pursuant to the rules and regulations established by the merit board. The manager may make recommendations to the merit board concerning such rules and regulations. The rules and any amendments thereto, when approved by the city council and posted at the city hall shall have the force and effect of law. The rules shall include provisions for, but not be limited to classification of positions; competitive examinations; rejection of applicants; eligible lists; certification of eligibles to the appointing authority; promotions; demotions; suspension; lay off; discharge; and general working conditions including hours of work, holidays, sick leave, vacation, and leaves of absences. No permanent employee, except as herein provided shall be



dismissed, suspended, removed or reduced in grade, except for cause as set forth in said rules and regulations. All permanent covered city employees shall have the right to appeal a dismissal, suspension, removal or reduction in grade within ten days thereafter to the board. If it is established by a fair preponderance of the evidence that the appealing employee was dismissed, suspended, removed or reduced in grade for reasonable cause, which may not be political, racial or religious in nature, the board shall confirm such action, otherwise the board shall have the power to reinstate such employee on such terms and conditions as it sees fit.

Section 6.04. Department of Administration.

The council may create such departments, divisions, and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter their powers and organization. It may prepare a complete administrative code for the city and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

Section 6.05. Subordinate Officers. There shall be a city clerk and such other officers subordinate to the city manager as the council may create by ordinance. The council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

Section 6.06. Execution of Instruments. All contracts, bonds and instruments of any kind to which the city is a party shall be signed by the mayor and the city manager on behalf of the city and shall be executed in the name of the city.

Section 6.07. Purchases and Contracts. The city manager shall be the chief purchasing agent of the city. Contracts for the purchase of merchandise, materials or equipment or for any kind of construction work, if budgeted, may be made or let by the city manager when the amount of such contract does not exceed \$1000.00. If such contract exceeds the last stated amount but is less than \$2500.00, same may be made or let by the city manager after first obtaining the approval of the city council. All other purchases shall be made and all other contracts shall be let by the council.

Section 6.08. Contracts; How Let. Every contract for the purchase of merchandise, materials or equipment or for any kind of construction work where the amount involved is more than \$2,500.00 shall, be let only by the council upon the recommendation of the city manager to the lowest responsible bidder, unless, the council shall otherwise provide by resolution adopted by a vote of at least five members of the council and published once in the official legal newspaper of the city. The council may, however, reject any and all bids. Subject to the provisions of the charter, the council may by ordinance adopt further regulations for making of bids and the letting of contracts.

## CHAPTER VII.

### Taxation and Finance

Section 7.01. Council to Control Finances. The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the receiving and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02. Fiscal Years. The fiscal year of the city shall be the calendar year.

Section 7.03. System of Taxation. Subject to the state constitution, and except as forbidden by it or by state legislation, the council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the city shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

Section 7.04. Board of Equalization. The council shall constitute a board of equalization to equalize assessments of property for taxation purposes according to law.

Section 7.05. Preparation of the Annual Budget. The manager shall prepare the estimates for the annual budget. The budget shall be by funds and at the discretion of the council may include or exclude any fund, except the general fund. The estimates of expenditures for each fund budgeted shall be by each department or division where necessary and classified in a manner consistent with generally accepted accounting procedures, with at least the following detail being shown:

(1) Ordinary operating expenses (for operation, maintenance, and repairs) subdivided into: (a) salaries and wages; (b) other expenses, with sufficient detail to be readily understood;

(2) Payment of principal and interest on bonds and other fixed charges;

(3) Capital outlays (for new construction, new equipment, and all improvements of a lasting character.)

All increases and decreases in the expenditure budget shall be clearly shown by indicating the amounts granted and the amounts expended in the previous fiscal year and the amounts granted and the estimated amount to be expended for the current fiscal year. In addition thereto there should also be shown a statement of revenues which have accrued and the sources of such revenue for the last fiscal year and for the current and ensuing fiscal years, including estimates thereof. The estimates shall be submitted to the council at its first regular monthly meeting in September and shall be made public. The city manager may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years of operation under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the previous government of the city as may be feasible and pertinent.

Section 7.06. Passage of the Budget. The budget shall be the principal item of business at the first regular monthly meeting of the council in September and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meeting shall be so conducted as to give interested parties a reasonable opportunity to be heard. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the ensuing fiscal year for the funds budgeted. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purposes according to Section 7.05. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget not later than the first week of October by a resolution. The council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the county auditor in accordance with law. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other.

Section 7.07. Enforcement of the Budget. It shall be the duty of the city manager to enforce strictly the provisions of the budget. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure covered by the budget resolution unless there is a sufficient unexpended balance. No officer or employee of the city shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 7.08. Alterations in the Budget. After the budget resolution has been adopted, the council shall have no power to increase the amounts fixed in the budget resolution by insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The council may, at any time, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution or by a vote of five members authorize the transfer of sums from unencumbered balances of appropriations in the budget necessary to other purposes, provided, however, the city manager may make transfers of sums within the major expense classifications in a department or division. However, he may not transfer appropriations between major expense classifications within a department or division nor may he transfer appropriations between departments or divisions without council approval.

Section 7.09. Emergency Appropriation in Budget. The council may include an emergency appropriation as a part of the budget but not to exceed 10 per cent of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of at least five members of the council and shall be used only for the purposes designated by the council.

Section 7.10. Disbursements, How Made. No disbursement of city funds shall be made except by a negotiable instrument bearing the actual or authorized facsimile signature of the mayor, the city manager and the treasurer. No such negotiable instrument shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, time-sheet, voucher or the like approved and signed by the responsible city officer who vouches for its correctness and reasonableness. The city manager 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 disbursements of the funds of the city.

Section 7.11. Funds to be Kept. Subdivision 1. There shall be maintained in the city treasury a general fund for the payment of such expenses as the council may deem proper. Into this fund shall be paid all monies levied for this fund and all monies not required to be placed in some other fund.

Subdivision 2. There shall also be maintained in the city treasury such other funds, or division of funds, as the budget shall require or the city manager and council shall direct. There shall also be maintained in the city treasury such other funds or division of funds as are required by law, ordinance or resolution.

Section 7.12. Accounts and Reports. The city manager shall be the chief accounting officer of the city and of every branch thereof, and the council may prescribe and enforce proper accounting methods, forms, blanks, periodic reports and other devices consistent with the law, this charter and the ordinances adopted in accordance therewith. Once each year, on or before the last day of February, the city manager shall submit a report to the council covering the entire financial operations of the city for the past year.

Section 7.13. City Indebtedness. Except as otherwise provided, no obligation shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or state law, no such obligation shall be issued and sold without the approval of the majority of electors of the city voting thereon at a general or special election.

Section 7.14. Establish and Operate a Permanent Improvement Revolving Fund. The council may by a 5/7ths vote, establish by ordinance, a permanent improvement revolving fund for the purpose of financing public improvements, and may by the same vote authorize the issuance of general obligation bonds for the establishment and operation of such fund, or for increases in monies required for the operation of such fund. Expenditures may be made from the permanent improvement revolving fund only (1) for an improvement, the obligation for which is payable wholly or partially from the proceeds of special assessments levied or to be levied upon property specially benefited by the improvement, provided an ad valorem tax is levied, or other monies pledged for that portion of such expenditure not specially assessed or (2) for any public convenience from which revenue is or may be derived, provided, that the full faith and credit of the city is pledged to replace any deficiencies in such revenues or (3) for any other public improvement for which the issuance of general obligation bonds of the city is authorized, either by statute or this charter; providing that all requirements for the issuance of such general obligation bonds are complied with and the full faith and credit of the city is pledged to repay such expenditures to the permanent improvement revolving fund in accordance with the laws authorizing the issuance of such general obligation bonds.

Section 7.15. Tax Anticipation Certificates. At any time after January 1, following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed 90% of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine and shall bear interest at no more than the legal rate, but they shall become due and payable not later than the 1st day of April of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.16. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the city, or any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, the council may by ordinance issue and sell on such terms and in such manner as the council determines emergency debt certificates to run not to exceed two years and to bear interest at not more than the legal rate. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least five members of the council. It may be passed as an emergency ordinance.

#### CHAPTER VIII.

##### Public Improvements and Special Assessments

Section 8.01. Power to Make Improvements and Levy Assessments. The city 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 or any part of the cost of such improvements as are of a local character, pursuant to the laws of the State of Minnesota.

Section 8.02. Assessments for Services. The council may provide by ordinance that the cost of sprinkling, snow or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the cost of any service to other property undertaken by the city may be assessed against the property benefited and collected in like manner as are special assessments.

#### CHAPTER IX.

##### Eminent Domain

Section 9.01. Power to Acquire Property. The city may acquire, by purchase, gift, devise or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the city for any public use or purpose. Easements including but not limited to slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase or condemnation in the manner provided by law.

Section 9.02. Proceedings in Acquiring 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 generally describe such property and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the city shall proceed according to the laws of this state, except as otherwise provided in this chapter.

Section 9.03. Payment of Award. Whenever an award of damages is confirmed in any proceeding for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for abandoning such proceedings by the city has expired, the city shall, within 60 days of such final determination, pay the amount 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.

Section 9.04. City May Abandon Proceedings. The city may, by resolution of the council at any stage of the condemnation proceedings or at any time within 30 days after the 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 as determined by a court of competent jurisdiction.

Section 9.05. City May Take Entire Plant. If the city condemns 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 the condemnation proceedings or any 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 comprise such system may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commissioners or other body assessing the damages on condemnation. This does not prevent the city, when the plant and property are separated into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.

#### CHAPTER X.

##### Franchises

Section 10.01. Franchises Required. Except as otherwise provided by law, no



person, firm or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the Clerk to guarantee publication before the ordinance is passed.

Section 10.02. Term. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon.

Section 10.03. Rates. No franchised public utility shall increase its rates, fares or prices without the approval of the council. For the purpose of determining if the rates, fares or prices charged are reasonable, the books of any franchised public utility shall be open to inspection by the city council or its agents at all reasonable times. If the franchise holder requests a change in rates it shall present in detail in writing the statistical basis for the proposed rate change at least 60 days prior to the proposed effective date of such rates.

Section 10.04. Public Hearing. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are approved by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten days prior to the date of the hearing.

Section 10.05. Power of Regulation Reserved. Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee and the council may require the franchise holder to provide the city with regular written reports relative to its operations. The city council may, in order to accomplish this objective appoint a commission or referee to hold a hearing or hearings relative thereto, and such commission or referee may make such investigations as are deemed necessary and shall report its findings and recommendations to the council. The council may, by contract, provide for the exercise of any of its regulatory or investigative powers jointly or cooperatively with one or more other municipalities possessing the same or similar powers. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 10.06. Renewals or Extensions. Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

## CHAPTER XI.

### Public Ownership and Operation of Utilities

Section 11.01. Acquisition and Operation of Utilities. The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

Section 11.02. Rates and Finances. Upon recommendations made by the city manager or upon its own motion, the council may fix rates, fares and prices, for municipal utilities but such rates, fares and prices shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

Section 11.03. Purchases in Bulk. The council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 11.04. Lease of Plant. The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by five members of the council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

Section 11.05. Public Utility. How Sold. No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of law.

## CHAPTER XII

### Miscellaneous and Transitory Provisions

Section 12.01. 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.

Section 12.02. Oaths of Office. Every officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as (mayor, councilman, city manager, etc.) of the City of Bloomington to the best of my judgment and ability."

Section 12.03. City Officers Not to be Interested In Contracts. Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the city shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

Section 12.04. Official Bonds. The city manager, the city clerk, the city treasurer, and such other officers or employees of the city as may be provided for by ordinance shall each before entering upon the duties of his respective office or employment, give a corporate surety bond to the city in such form and in such amount as may be fixed by the council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the council. They shall be approved by the city council, and approved as to form by the city attorney and filed with the city clerk. The provisions of the laws of the

state relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.

Section 12.05. Sales of Real Property. No real property of the city shall be disposed of except by ordinance. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the council may by resolution designate some other public use for the proceeds.

Section 12.06. Vacation of Streets. The council may by ordinance approved by at least five members of the council, vacate any street or alley or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

Section 12.07. City to Succeed to Rights and Obligations of Village of Bloomington. The city shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the Village of Bloomington.

Section 12.08. Present Officers to Hold Office Till When. The present officers of the city shall continue in their respective offices and functions and shall continue to govern the city in the usual manner until their successors are chosen and qualify. They shall make such financial and other provisions for the fiscal year 1961 as will serve to carry on the government until a government has been set up under this charter, and they shall make provision for the election of the first city council as provided for in Chapter 2 of this charter.

Section 12.09. Statutes Not Affected By Charter. All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Bloomington operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Bloomington, and shall be construed as supplementary to the provisions of this charter.

Section 12.10. Existing Ordinances Continued. All ordinances and regulations of the village not inconsistent with the provisions hereof, in force when this charter takes effect, are hereby continued in full force and effect until amended or repealed.

Section 12.11. Pending Condemnations and Assessments. Any condemnation or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the village prior to the time when this charter takes effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

Section 12.12. Intoxicating Liquor. The sale of intoxicating liquor in the City of Bloomington other than in an authorized municipally owned liquor store, the establishment of which shall be authorized by a majority vote at an election thereon, is hereby prohibited. Any amendment to this charter which would have the effect of permitting the sale of intoxicating liquor in the City of Bloomington, except as above provided, shall contain within such amendment detailed provisions for the regulation of such sales and the issuance of licenses for such sales. The term "intoxicating liquor" when used in this charter shall mean and include ethyl alcohol and shall include distilled, fermented, spirituous, vinous and malt beverages unless declared as non-intoxicating by statute law. The term "sale" shall mean and include all barter and all manners or means of furnishing intoxicating liquor or liquors as above described in violation or evasion of this charter.



Section 12.13. Ordinances to Make Charter Effective. The council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Section 12.14. Fines and Penalties. All fines, forfeitures and penalties received for the violation of any ordinance shall be paid into the city treasury. Every court or officer receiving such moneys, within 30 days thereafter shall make return thereof under oath and be entitled to duplicate receipts for the amount paid. One of the receipts shall be filed with the city clerk.

CERTIFICATE OF COMMISSION

We, the undersigned, being the duly appointed, qualified and acting members of the Board of Freeholders (Charter Commission) in and for the Village of Bloomington, Hennepin County, Minnesota, hereby certify that the foregoing document consisting of Chapters 1 through 12, inclusive, is the draft of a proposed charter prepared and framed by said Board of Freeholders, and hereby affix our signatures to said draft in testimony of our approval thereof, and deliver the same to the Honorable Gordon W. Miklethun, Mayor of said Village, as the chief magistrate or executive thereof, for action pursuant to law.

Dated at Bloomington, Minnesota this 6th day of October, 1960.

/s/ Warren Abrahamson  
Warren Abrahamson

/s/ Mrs. Mae Brown  
Mrs. Mae Brown

/s/ Betty Cadwell  
Mrs. Betty Cadwell

/s/ Edward D. Constantine  
Edward D. Constantine

William F. Davnie

/s/ Walt W. Edwards  
Walt W. Edwards

/s/ Paul E. Ericson  
Paul Ericson

/s/ Tom Helvig  
Tom Helvig

/s/ Dorothy Hoblit  
Mrs. Dorothy Hoblit

/s/ Luella Newstrom  
Mrs. E. H. Newstrom

/s/ Joseph G. Rinnac  
Joseph G. Rinnac

Bob Smith

/s/ Burnadeen R. Soderlind  
Mrs. Burnadeen R. Soderlind

/s/ Lester C. Lindstrom  
Lester C. Lindstrom, Chairman

/s/ Thomas E. Ticen  
Thomas E. Ticen  
Attorney for the Charter Commission

The foregoing draft of a proposed Charter and certificate in connection therewith received this 7th day of October, 1960.

/s/ Gordon W. Miklethun  
GORDON W. MIKLETHUN  
Mayor of Village of Bloomington  
and chief magistrate or executive  
of the Village of Bloomington,  
Hennepin County, Minnesota.

## I N D E X

|  | Section  |
|--|----------|
| <b>Chapter I - Name, Boundaries, Powers and General Provisions</b> |          |
| Name and Boundaries  | 1.01     |
| Powers of the City   | 1.02     |
| Charter a Public Act   | 1.03     |
| <b>Chapter II - Form of Government</b>                             |          |
| Form of Government   | 2.01     |
| Boards and Commissions   | 2.02     |
| Elective Officers  | 2.03     |
| Mayor and Council  | 2.03 (1) |
| Terms of Office  | 2.03 (2) |
| Incompatible Offices   | 2.04     |
| Vacancies in the Council   | 2.05     |
| The Mayor  | 2.06     |
| Salaries   | 2.07     |
| Investigation of City Affairs                                      | 2.08     |
| Interferences with Administration                                  | 2.09     |
| <b>Chapter III - Procedure of Council</b>                          |          |
| Council Meetings   | 3.01     |
| Secretary of Council   | 3.02     |
| Rules of Procedure and Quorum                                      | 3.03     |
| Ordinances, Resolutions and Motions                                | 3.04     |
| Procedure on Ordinances  | 3.05     |
| Emergency Ordinances   | 3.06     |
| Procedure on Resolutions   | 3.07     |
| Signing and Publication of Ordinances and Resolutions              | 3.08     |
| When Ordinances and Resolutions Take Effect                        | 3.09     |
| Amendment and Repeal of Ordinances and Resolutions                 | 3.10     |
| Revision and Codification of Ordinances                            | 3.11     |
| <b>Chapter IV - Nominations and Elections</b>                      |          |
| The Regular Municipal Election                                     | 4.01     |
| Primary Elections  | 4.02     |
| Special Elections  | 4.03     |
| Filing of Candidates   | 4.04     |
| Provisions of General Election Law to Apply                        | 4.05     |
| Canvass of Elections   | 4.06     |
| Procedure at Elections   | 4.07     |
| <b>Chapter V - Initiative, Referendum and Recall</b>               |          |
| Powers Reserved by the People                                      | 5.01     |
| Expenditures by Petitioners  | 5.02     |
| Further Regulations  | 5.03     |
| Initiative of Measures   | 5.04     |
| Form of Petition and of Signature Papers                           | 5.05     |

| Index (Cont.)  | Section |
|--|---------|
| Filing of Petitions and Action Thereon                         | 5.06    |
| Action of Council on Petition                                  | 5.07    |
| Initiative Ballots   | 5.08    |
| Initiation of Charter Amendments                               | 5.09    |
| The Referendum   | 5.10    |
| Referendum Petition  | 5.11    |
| Referendum Ballots   | 5.12    |
| The Recall   | 5.13    |
| Recall Petitions   | 5.14    |
| Filing of Petition   | 5.15    |
| Recall Election  | 5.16    |
| Procedure at Recall Election                                   | 5.17    |
| Form of Recall Ballot  | 5.18    |
| <br>Chapter VI - Administration of City Affairs                |         |
| The City Manager   | 6.01    |
| Powers and Duties of the City Manager                          | 6.02    |
| Merit System   | 6.03    |
| Departments of Administration                                  | 6.04    |
| Subordinante Officers  | 6.05    |
| Execution of Instruments                                       | 6.06    |
| Purchases and Contracts  | 6.07    |
| Contracts; How Let   | 6.08    |
| <br>Chapter VII - Taxation and Finance                         |         |
| Council to Control Finances                                    | 7.01    |
| Fiscal Years   | 7.02    |
| System of Taxation   | 7.03    |
| Board of Equalization  | 7.04    |
| Preparation of the Annual Budget                               | 7.05    |
| Passage of the Budget  | 7.06    |
| Enforcement of the Budget                                      | 7.07    |
| Alterations in the Budget                                      | 7.08    |
| Emergency Appropriation in Budget                              | 7.09    |
| Disbursements, How Made  | 7.10    |
| Funds to be Kept   | 7.11    |
| Accounts and Reports   | 7.12    |
| City Indebtedness  | 7.13    |
| Establish and Operate a Permanent Improvement Revolving Fund   | 7.14    |
| Tax Anticipation Certificates                                  | 7.15    |
| Emergency Debt Certificates                                    | 7.16    |
| <br>Chapter VIII - Public Improvements and Special Assessments |         |
| Powers to Make Improvements and Levy Assessments               | 8.01    |
| Assessments for Services                                       | 8.02    |
| <br>Chapter IX - Eminent Domain                                |         |
| Power to Acquire Property                                      | 9.01    |
| Proceedings in Acquiring Property                              | 9.02    |
| Payment of Award   | 9.03    |
| City May Abandon Proceedings                                   | 9.04    |
| City May Take Entire Plant                                     | 9.05    |

Index (Cont.)

|   | Section |
|---|---------|
| <b>Chapter X. - Franchises</b>                                      |         |
| Franchises Required   | 10.01   |
| Term  | 10.02   |
| Rates   | 10.03   |
| Public Hearing  | 10.04   |
| Power of Regulation Reserved  | 10.05   |
| Renewals or Extensions  | 10.06   |
| <br><b>Chapter XI - Public Ownership and Operation of Utilities</b> |         |
| Acquisition and Operation of Utilities                              | 11.01   |
| Rates and Finances  | 11.02   |
| Purchase in Bulk  | 11.03   |
| Lease of Plant  | 11.04   |
| Public Utility; How Sold  | 11.05   |
| <br><b>Chapter XII - Miscellaneous and Transitory Provisions</b>    |         |
| Official Publications   | 12.01   |
| Oaths of Office   | 12.02   |
| City Officers Not to Be Interested In Contracts                     | 12.03   |
| Official Bonds  | 12.04   |
| Sales of Real Property  | 12.05   |
| Vacation of Streets   | 12.06   |
| City to Succeed to Rights and Obligations of Village of Bloomington | 12.07   |
| Present Officers to Hold Office Till When                           | 12.08   |
| Statutes Not Affected by Charter                                    | 12.09   |
| Existing Ordinances Continued                                       | 12.10   |
| Pending Condemnations and Assessments                               | 12.11   |
| Intoxicating Liquor   | 12.12   |
| Ordinances to Make Charter Effective                                | 12.13   |
| Fines and Penalties   | 12.14   |

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DEPARTMENT OF STATE  
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*Joseph L. Anderson*  
Secretary of State