

STATE OF MINNESOTA)
COUNTY OF RICE) ss

CITY OF NORTHFIELD

I, Erma M. Gill, Recorder of the City of Northfield, do hereby certify that I have compared the attached copy of the amended charter of the City of Northfield that was passed at a special election held on Tuesday, September 26, 1961, with the original copy, and find that it is a true and accurate copy. After a canvass of votes by City Council it was determined that there was a total of 472 registered persons voting; out of which 323 voted for the amended charter and 149 against it, making 68.4 % in its favor.

Dated this 27th day of September, 1961.

Erma M. Gill
Erma M. Gill, City Recorder

#15493
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT - 5 1961
Joseph L. Henningsen
Secretary of State

ARTICLE
CHAPTER
CITY OF NORTHFIELD
CHAPTER 1

NORTHFIELD, MINNESOTA

Section 1.1 Name and boundaries. The City of Northfield in the County of Rice, and State of Minnesota, shall, upon the taking effect of this amended charter, continue to be a municipal corporation, under the name and style of the City of Northfield, with the same boundaries as now are or hereafter may be established.

Section 1.2 Ward boundaries. The city shall continue and is hereby divided into three wards with the same boundaries as now are or hereafter may be established.

Section 1.3 Changes in ward boundaries. The city council shall change ward boundaries to provide nearly equal representation at all times by ordinance adopted by an affirmative vote of at least five members of the city council.

Section 1.4 Powers of the city. The city shall have all the powers necessary by municipal corporations of common law. The city shall have and use its present seal and may alter its seal at any time; shall be capable of contracting and being contracted with, may acquire by purchase, condemnation or otherwise, and hold, lease, sell and convey real and personal property as is necessary or required by the transaction of its business and may render services, within or without the limits of the city; may acquire, construct, own, lease and operate public utilities and render public service of every kind; may license and regulate persons, corporations, and associations engaged in any business, occupation, trade or profession; may define, prohibit, abate, or suppress all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city and all nuisances and causes thereof; may regulate and control the use of the streets and other public places and ways; may make and enforce police, sanitary and other regulations and may do and perform all

other things necessary or convenient for maintaining and promoting the peace, good government and welfare of the city and for the performance of all functions thereof. It shall have, retain and may exercise all powers, functions, rights and privileges exercised by or which are incidental to or inherent in municipal corporations or which are not denied to it by the Constitution and laws of the State of Minnesota or the provisions hereof. Its powers shall extend beyond its corporate limits as may be necessary for the effective exercise of any powers granted herein or as may be authorized by law. The city shall have full power to deal with all matters of municipal concern and have complete self-government in harmony with and subject to the Constitution and laws of the State of Minnesota.

Section 1.5 Chapter 1 within act. This chapter shall be a public act and need not be read or moved in any case. It shall take effect thirty (30) days from and after its adoption by the voters.

CHAPTER 2

FORM OF GOVERNMENT

Section 2.1 Form of government. The form of government established by this chapter is the "Mayor-Council" plan. The council shall exercise the legislative power of the city and determine all matters of policy. The mayor 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 2.2 Boards and commissions. There shall be no separate administrative board of health, library board, park board, or any other administrative commission, except for the Hospital Board and for the administration of a function jointly with another political subdivision. The council shall itself be and perform the duties and exercise the powers of such boards and commissions. 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 any judicial function.

Section 2.3 Qualification of members. The council shall be composed of a mayor and six councilmen who shall be qualified electors. One councilman shall be elected from each ward and three councilmen shall be elected at large. Each councilman shall serve for a term of three years and until his successor is elected and qualified, except that at the first election held after the adoption of this chapter the candidates for councilmen from the first ward shall serve for one year, the candidate for councilman from the second ward shall serve for two years, the candidate for councilman from the third ward shall serve for three years. The candidate for councilman at large having the highest number of votes shall serve for three years, the next candidate for councilman at large having the next highest number of votes shall serve for two years and the next candidate for councilman at large having the next highest number of votes shall serve for one year. The mayor shall serve for a term of two years and until his successor is elected and qualified.

Section 2.4 Incompatible offices. No member of the council shall 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 municipal office or employment under the city, which office or employment was created or the employment of which was increased during his term as councilman.

Section 2.5 Vacancies in the council or in office of mayor. A vacancy in the council or office of mayor 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 councillor or mayor without good cause to perform any of the duties of membership in the council for a period of three months. In such and such case the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term.

Section 2.6 The Mayor. In addition to being the chief executive and administrative officer of the city the mayor shall be the presiding officer of the council, except that the council shall choose from its members a president pro tem who shall hold office at the pleasure of the council and shall serve as president in the mayor's absence and as mayor in case of the mayor's disability or absence from the city. 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 this charter, the ordinances of the city, and the laws of the state. 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 officers 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 2.7 Salaries. The mayor, councillors and all other officers and employees of the city shall receive such salaries, wages and expenses as may be fixed by the city council.

CHAPTER 3

PRESIDENT OF COUNCIL.

Section 3.1 Council meetings. On the first business day of January the council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet at such time each month as may be prescribed by resolution. The mayor or any three members of the council may call special meetings of the council. Such meeting shall be held personally by each member or shall be held at his usual place of

Section 2.1 Organization of the Council. The Council shall be organized into committees, subcommittees, and advisory groups, and shall have access to the financial and personnel resources of the City of Washington.

Section 2.2 Functions of the Council. The Council shall act as a deliberative body on all matters relating to the health, safety, and welfare of the community, and shall have the power to recommend to the Mayor any action that it deems necessary or appropriate. The Council shall also have the power to recommend to the Mayor the appointment and removal of any officer or employee of the City of Washington, and to recommend to the Mayor the award of any honor or decoration.

Section 2.3 Officers and Members of the Council. The Council shall consist of nine members, who shall be appointed by the Mayor. The Mayor shall also appoint the President of the Council, who shall preside over the Council's meetings and shall be the chief executive officer of the Council. The Council shall also elect a Vice President, who shall preside over the Council's meetings in the absence of the President. The Council shall also elect a Secretary, who shall be responsible for the Council's administrative affairs.

Section 2.4 Legislation, Resolutions, and Ordinances. Except as provided in this chapter otherwise provided, all legislation shall be by ordinance. The Mayor and the Council shall have the power to enact ordinances, resolutions, and regulations. The Council shall have the power to enact ordinances, resolutions, and regulations, and the Mayor shall have the power to veto any ordinance, resolution, or regulation enacted by the Council. The Council shall also have the power to recommend to the Mayor the enactment of any ordinance, resolution, or regulation.

Section 2.5 Emergency Ordinances. The Mayor may, in the event of an emergency, enact an ordinance without the approval of the Council. The Mayor shall submit any emergency ordinance to the Council at the next meeting of the Council, and the Council shall have the power to affirm, amend, or repeal any emergency ordinance enacted by the Mayor. The Council shall also have the power to recommend to the Mayor the enactment of any emergency ordinance.

Section 2.6 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 enacted by an affirmative vote of at least five members of the

council. No ordinance shall be based upon the violation of any emergency ordinance until twenty-four hours after the ordinance has been filed with the city recorder and posted in three conspicuous places 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 2.7 Emergency ordinance. Every ordinance 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 2.8 Signing and attestation of ordinances and resolutions. Every ordinance or resolution passed by the council shall be signed by the mayor and by two other members, attested by the city recorder and filed and preserved by him. Every ordinance 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 2.9 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 thirty (30) days after publication, or at such later date as is fixed therein. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption, or at such later date as is fixed therein.

Section 2.10 Amendment and repeal of ordinances and resolutions. Every ordinance or resolution containing a provision amending or repealing or creating or substituting thereof shall give the number, if any, and the title of the ordinance or resolution to be amended or 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

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Section 2.31 Notice and publication of ordinance. The
city may cause, newspaper and public the ordinance with such
additions and deletions as may be deemed necessary by the council.
Such ordinance shall be published in continuously revised
long-run form and copies shall be made available by the council
at the office of the city manager for general distribution to the
public free or at a reasonable charge. Publication in such a mode
shall be a sufficient publication of any ordinance enacted and
repealed or amended if a notice that copies of the ordinance
are available at the office of the city manager is published in
the official newspaper for at least two successive weeks.

CHAPTER 4

ORDINANCES AND ELECTIONS

Section 4.1 The regular municipal election. A regular mu-
nicipal election shall be held on the first Tuesday after the first
Monday in November of each year at such place or places as the
city council may designate. The city manager shall give at least
two weeks' previous notice of the time and place of holding such
election and of the officers to be elected by posting in at least
one public place in each voting precinct and by publication at
least once in the official newspaper, but failure to give such
notice shall not invalidate such election. At the regular
election there shall be elected, in addition to the members of
the council, a municipal judge and several municipal judges as may
be provided by law.

Section 4.2 Special elections. The council may by resolution
order a special election and provide all means for holding it. At
least two weeks' published notice of a special election shall be

given in the official newspaper. The newspaper of such election shall contain as nearly as possible the list of names of the candidates for municipal elections.

Section 4.7 Qualification. A candidate for a city office shall file an affidavit at least twenty days before election with the city recorder, or application on behalf of any qualified voter of the city whom they desire to be a candidate may be made and filed by not less than five voters thereof; provided that copies of a copy of the application shall be made on each candidate and sent of record entered on the application before filing. In either case, the filing fee shall be \$5.00. Each affidavit or application shall state that the candidate is a qualified voter of the City of Northfield, name the office for which he is a candidate, and, if a candidate for a ward councilman, that he is a resident of that ward. Any candidate may withdraw not later than twelve o'clock noon of the day following the last day for filing by filing a notice of withdrawal with the city recorder.

Section 4.8 Counting of elections. The council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city recorder. The city recorder shall forthwith notify all persons elected of their election.

Section 4.9 Procedure at elections. Subject to the provisions of this chapter and applicable state laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided in this chapter or in ordinances enacted thereto, the general laws of the State of Minnesota pertaining to elections shall apply to municipal elections.

CHAPTER 5

INITIATIVE, REFERENDUM, AND PETITION

Section 5.1 Powers reserved by the people. The people of Northfield reserve to themselves the power, in accordance with the

ordinance of this character, to initiate and adopt any ordinance, except an ordinance amending this charter 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 applied to the initiative, the referendum, and the recall, respectively.

Section 5.2 Penalties for petitioners. No member of any initiative, referendum, or recall committee, nor solicitor of a signature drive, and no signer of any such drive, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$50.00 for stationary, copying, printing, and postage fees. Any violation of the provisions of this section is a misdemeanor.

Section 5.3 Further regulations. The council may provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this chapter, as it deems necessary.

Initiative

Section 5.4 Initiation of measure. Any five citizens may form themselves into a committee for the initiation of any ordinance except as provided in Section 5.1. Before circulating any petition they shall file a verified copy of their proposed ordinance with the city recorder together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature names herein described, together with their names and addresses as signers thereof.

Section 5.5 Form of petition and of signature names. The petition for the election of any ordinance shall consist of the ordinance, together with all the signature names 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 general election. All the signatures need not be on one signature paper, but the signatures of every such paper shall also be affixed 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

Whereas an ordinance to _____ (specifying the subject 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. _____	_____
4. _____	_____
5. _____	_____

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 electors mentioned above.

Section 5.6 Filing of petitions and action thereon. All the signature papers shall be filed in the office of the city recorder as one instrument. Within five days after the filing of the petition, the city recorder 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 general election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given thirty days in which to file additional

directly received and to forward the petition in all other instances. If at the end of that period the petition is found to be still insufficient or irregular, the recorder 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 preclude 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 5.7 Action of council on petition. When the petition is found to be sufficient, the city recorder 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 voted upon by the council not later than sixty-five days after the date upon which it was submitted to the council by the city recorder. 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 or less than fifteen per cent of the total number of voters voting at the last general election, the council shall call a special election upon the measure. Such special election shall be held not less than thirty nor more than forty-five days from date of final action on the ordinance by the council or after the expiration of sixty-five 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 four-fifths of the council of voters do not express their disapproval with such amendments by a statement filed with the city recorder within ten days of the passage thereof by the council, the ordinance need not be submitted to the electors.

Section 4.8 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 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 passed 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 4.9 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 Wisconsin to propose amendments to this charter.

Referendum

Section 4.10 The referendum. If prior to the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to fifteen per cent of the total vote of the last general election is filed with the city recorder reciting 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 to the next regular municipal election, neither which the ordinance shall remain

enacted. If a majority of the electors voting thereon is in favor of 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 5.1 and 5.4 above as to the formation of committee for the initiation of ordinance and as to the form of petition and signature thereof shall apply to the ordinance as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

Referendum petition

Whereas the council of an ordinance to [insert the purpose of the ordinance], a copy of which ordinance is hereto attached. The undersigned hereby is authorized by the following declaration of electors:

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

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.

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

Section 5.12. Referendum ballot. The ballot used in any referendum election shall conform to the plan laid down in Section 5.5 of this chapter for initiative ballots.

Council

Section 5.17. The council. 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 recorder the name of the officer whose removal

in doubt, a statement of the grounds for removal in such form that all would, and their intention to bring about his recall. A copy of this certificate shall be attached to each circulator's paper and no signature paper shall be out into circulation without to such certification.

Section 5.14 Recall petition. The petition for the recall of any official shall consist of a certificate identical with that filed with the city recorder together with all the signatures names 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 attached to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Recall petition

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

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

Section 5.15 Filing of petition. Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city recorder. The

city recorder shall examine the petition within the next five days, and if he finds it irregular in any way, or finds that the number of signatures is less than twenty-five per cent of the total number of electors who cast their votes at the last preceding general 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 signatures necessary 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 recorder 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 recorder 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 thirty days nor more than forty-five days after such meeting, but if any other election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 5.17 Conduct of recall election. The city recorder shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred words, the charges of the officer concerned in justification of his removal from 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 returns within ten days after the receipt by the council of the completed recall petition, the form of the ballot

Subd. 2. He shall exercise control over all departments and divisions of the city administration created by this charter or by the council, including the police force.

Subd. 3. 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.

Subd. 4. He shall keep the council fully advised as to the financial condition and needs of the city, and he shall submit to the council the annual budget.

Subd. 5. 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.

Subd. 6. He shall perform such other duties as may be required by this charter or by law or required of him by ordinances or resolutions adopted by the council.

Section 6.2 Departments 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 names and organization. It may, also, 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 6.3 Subordinate officers. There shall be a city recorder, a city treasurer, a city auditor, a city attorney, a city engineer and such other officers as the council may create, by ordinance. Any individual may act in one or more capacities. All subordinate officers shall be under the direction of the mayor. The city recorder shall have such duties in connection with the keeping of public records, the custody and disbursement of the public funds and the general administration of the city's affairs as the council prescribes. He may be designated to act as secretary of the council and also as treasurer. The council may by ordinance abolish offices which have been created by ordinance,

and it may require the action of various officers as it may see fit. The council shall by ordinance prescribe the duties of various officers.

Section 7

Contracts

Section 7.2 Contracts. All contracts for supplies, work or services to be furnished or performed for the city or any department or office thereof, involving an expenditure of more than \$1,000.00 shall be made on the basis of competitive bids and proposals. Provided, however, that the city council may by an affirmative vote of five members decide that all work and material may be procured in the open market or be done by day labor.

Section 7.3 Estimation and amount of contracts. The city council in the first instance shall on its own motion, or may on the recommendation or request of any department or officer of the city, determine in a general way the necessities, and shall fix the estimated cost thereof; in order to determine such estimated cost, may require estimates from any officer or employee of the city.

Section 7.4 Plans and specifications. Before advertising for bids the city council shall cause to be prepared by the proper department or officer of the city, detailed plans, specifications, and a written contract for such construction, work or services, in accordance with the general directions. The location of said plans, specifications and proposed contracts shall be filed with the city recorder and remain in his office.

Section 7.5 Advertising. After filing the said proposed contract, plans and specifications the city council shall direct the city recorder to advertise for bids for doing or furnishing such construction, work or services in accordance with the contract, plans and specifications as the city council may direct. In advertising for bids the city council shall require each bidder to deliver with his bid an approved certified check, his bond or cash, payable to the city treasurer for at least five (5) per

part of the total amount of such bid, which shall be deposited to the city as liquidated damages, if the bidder, upon signing of the contract to him, shall fail to enter into the contract as bid. All advertisements for bids shall reserve the right to reject any and all bids.

Section 7.4 Resolving an opening bid. At the time and place mentioned in the advertisement for bids, the city council shall meet in a public session and publicly receive, open and read all bids that may be presented.

Section 7.5 Contracting law. The city council shall never accept any other than the lowest bid, unless for good cause it shall deem it advisable to accept one of the higher bids, but in such case the city council shall not accept a bid higher than the lowest bid by more than five (5) per cent of the lowest bid.

CHAPTER 8

FINANCIAL AND FINANCIAL

Section 8.1 Council to control finances. The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other monies, the auditing and settlement of accounts, and the expending 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 8.2 Fiscal year. The fiscal year of the city shall be the calendar year.

Section 8.3 System of taxation. Subject to the state constitution, and except as prohibited 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 to the general state law as to the assessment of such property and the collection of such taxes.

Section 8.4 Form of qualification. The council shall con-

each member of the city council, the city clerk, and also, at least, to be posted in the city hall. The auditor shall be submitted to the council at the time of the regular meeting in September and shall be made public. The mayor may confer with the auditor and make such arrangements as he may deem necessary, and during the first three years of operation under this chapter he shall be authorized to increase the expenditures of this chapter as required by the necessities of the city's finances with those of the various departments of the city as far as feasible and consistent.

Section 2.6 Adoption 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 sessions from then to then until all the estimates have been received. The sessions shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The budget estimates shall be sent to all and the mayor shall compile the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the coming fiscal year for the funds budgeted and shall be signed by the majority of the council when adopted. 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 2.4. The total unappropriated 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 which shall set forth the total for each budgeted fund and each department with such suggestions as to objects and purposes of expenditures as the council deems necessary for purposes of budget control. The council shall also adopt a resolution setting whatever sums it considers necessary within whatever limits for the coming year for each fund. The tax levy resolution shall be submitted to the county auditor in accordance with law not later than October 20. At the beginning of the fiscal

year, the sum fixed in the budget resolution shall be and become appropriated for the general purposes named in the budget resolution and by other.

Section 5.7 Integrity of the Budget. It shall be the duty of the mayor to enforce strictly the provisions of the budget. He shall not incur any other than the city expenses for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure beyond the budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the city shall incur any order or incur any expense except for a purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the name 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 5.8 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 the incurrence of new items or otherwise, beyond the estimated amounts, 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 affirmative vote of five members, authorized the transfer of sums from unexpended balances of appropriations in the budget resolution to other purposes.

Section 5.9 Emergency Appropriation in Budget. The council may include an emergency appropriation as a part of the budget but not to exceed ten per cent of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by affirmative vote of at least five members of the council, and shall be used only for the purposes designated by the council.

Section 8.10 Disbursement. No disbursement of city funds shall be made except by check signed by the mayor and treasurer and specifying the purpose for which the disbursement is made and the fund from which it is drawn. No such check shall be issued until there is money to the credit of the fund from which it is to be paid sufficient to pay in full the amount of the disbursement. No such check shall be issued until the date to which it relates has been certified by an itemized bill, receipt, or statement prepared and signed by the responsible city officer or officers for the correctness and reasonableness. The city treasurer shall note on each payment received the amount of money by the city the particular fund out of which it is to be paid. The council may by ordinance make further regulations for the safe-keeping and disbursement of the funds of the city.

Section 8.11 Funds to be kept. Subdivision 1. There shall be maintained in the city treasury the funds specified for in the following subdivisions.

Subd. 2. A general fund for the payment of such expenses of the city as the council may from year to year. Into this fund shall be paid all money not withheld herein or by statute to be paid into any other fund.

Subd. 3. A debt service fund, into which shall be paid all monies from taxes or other sources for the payment of principal and interest of all obligations issued by the city except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. Out of this fund shall be paid the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the council in such securities as are authorized by statute for the investment of such funds; and such investments may be liquidated at any time. To the extent required by law, a separate account in the debt service fund shall be maintained for each issue of city obligations.

Sec. 4. A fund shall be established for the purpose of all bonds issued by the city or any department thereof on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. A separate fund account shall be kept for each issue of such bonds.

Sec. 5. A special assessment fund, which shall be used to finance local improvements to be paid for, in whole or in part, from special assessments levied against benefited property. There shall be paid into this fund: (1) collections of special assessments, with interest, levied against benefited property; (2) proceeds of bonds or warrants sold by the city to finance local improvements to be paid for in whole or in part, by special assessments and the proceeds of inter-fund loans; (3) amounts from other city funds representing either (a) expenditures or costs against the city at large, (b) benefits assessments against city property, or (c) expenditures to maintain the integrity of the fund. There shall be paid out of this fund: (1) all expenses and costs of the improvement projects financed through the fund; (2) the redemption of all special assessment fund obligations, with interest, at or before maturity; and any inter-fund loans; and (3) payments of assessments and refunds of amounts in excess. The council shall maintain the integrity of this fund by appropriations from the fund if necessary, and in addition may by ordinance create and maintain in the fund a cash reserve sufficient for carrying over the surplus. In order to facilitate the collection of special assessments and the payment of the cost of a local improvement, the council may by a majority vote issue and sell obligations pledging the full faith and credit of the city, or pledging only special assessments, in such amounts and maturities as it may determine; but the aggregate amount of such obligations outstanding at any time shall not exceed the sum of the following: (1) all assessments levied and collected; (2) cost of work in progress to be financed in whole or in part by special assessments, and (3)

the cash reserve for further capital or operating expenditures by ordinance. In order that the fund may be self-sustaining on a self-maintaining basis, all local improvement projects financed through it shall upon completion be certified by the city engineer as to total cost, which shall thereupon be levied by the council either as assessments against benefited property or as amounts due from other city funds. Assessments levied against other city funds shall be due when installments of special assessments levied for the same project are due, corresponding assessment rolls shall be charged interest as in the case of assessments and shall be credited to the fund, with any interest due, then collected. To the extent permitted by law, a tax for the city's share of the cost shall be levied before any obligations against the fund are issued and sold. When a local improvement is to be financed wholly or partly from special assessment is undertaken under any available statute, any provision of this subdivision inconsistent with the statute shall not apply.

Subd. 6. A public utility fund into which shall be paid all money derived from the sale of obligations issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts within the public utility fund shall be kept for all utilities which are operated separately.

Subd. 7. In addition to the foregoing funds, there may be maintained in the city treasury, whenever the council deems it advisable, the following funds:

(a) One or more working capital or revolving funds, for financing self-maintaining activities not accounted for through other funds;

(b) One or more trust and agency funds, for the care and administration of money received and held by the city as trustee or agent or in the capacity of any agent, trustee, fiduciary or other governmental holder.

(c) Such other funds as may be required by statute or ordinance.

Sec. 5. In lieu of establishing any of the types of funds specified in Sub. 4, the council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The council shall have full power by ordinance or resolution to make interest loans, accept from trust and agency funds, as is now from treasury and miscellaneous funds time to time.

Section 5.12 Accounting and Records. The city treasurer shall be the chief accounting officer of the city and of every board, department, and the council shall receive and receive reports, accounts, returns, reports, forms, blanks, and other devices and instruments with the law, this chapter, and the ordinances relating to account in general. The accounts to be kept shall include those usual in double entry bookkeeping system and shall include separate journals of all income and expense items which are posted to a general ledger with sufficient accounts so that control is maintained over all assets and income of all funds. There shall be an inventory of all property of the city of whatever kind, which inventory shall agree with the general account or accounts on the general ledger. He shall submit to the council a statement each month showing the amount of money in the custody of the city treasurer, the status of all funds, the amount credit or chargeable against each of the annual budget allocations and the balances left in each, and such other information about the finances of the city as the council may require. Once each year, on or before the last day of February, the city treasurer shall submit a report to the council covering the entire financial operations of the city for

the next year. This report shall show the actual receipts and expenditures, and the condition of the cash balance at the beginning of the next fiscal year and at the close of the total receipts for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the city, when due, the amount of new bonds issued and the amount redeemed, and the interest rate of each; the condition of all the annual budget allowances; an inventory of all the property owned by the city; a balance sheet and net worth statement and such further information as the mayor deems advisable or the council requires. There shall be an annual audit of the city's affairs of the type recommended by the city council. Such audit shall be by certified public accountants.

Section 2.13 City indebtedness. Except as provided in Section 2.14 and 2.15, no obligation shall be issued to any 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 chapter or state law, no such obligations shall be issued and sold without the approval of a majority of electors of the city voting thereon at a general or special election.

Section 2.14 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 ninety per cent 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 a rate not to exceed six per cent per annum, but they shall become due and payable not later than the first day of April

of the same collection in the future. The council of the city
shall have the right to suspend such collection until the
city is able to pay the same and until the city shall be
financially able to pay the collection of the same in the
order of their payment against the fund.

Section 3.15 Emergency debt certification. If in any year
the council shall have an other purpose than the usual
and usual business of the city, or if any emergency or other
city, or if any emergency or other city, or if any emergency
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 certification
to run not to exceed two years and to bear interest at not more
than six per cent per year. It may be sufficient to pay principal and
interest on such certification with the money received by the
city to be levied as required by law. The ordinance authorizing
the issue of such emergency debt certification shall set forth the
nature of the emergency and be approved by an affirmative vote of
at least five members of the council. It may be called an
emergency ordinance.

CHAPTER 9

FINANCIAL MANAGEMENT AND CAPITAL IMPROVEMENTS

Section 9.1 Power to make improvements and levy assessments.
The city shall have the power to make any and every type of public
improvement not prohibited by the laws of this state and to levy
special assessments on any and every part of the cost of such
improvements as are of a local character. The amounts assessed
to be levied on property to pay for such local improvements may equal
the cost of the improvement, including all costs and expenses
connected therewith, with interest, until paid.

Section 9.2 Assessments for utilities. The council may also
vide by ordinance that the cost of installing, erecting, or
removal, or of any other service to persons, installing, or other
public property, or the costs of any service to other property

and the city may be required to provide the necessary
facilities and collected in the name of the local government.

Section 2.3 Local Government Regulation. After the
chapter shall effect local government regulation shall be completed and amendments may be made and amendments
looked for the financing thereof as provided by the law
chapter provisions applicable thereto. The council may amend
and adopt a comprehensive ordinance prescribing the procedure
which shall be followed thereafter in making all local government
and levying assessments thereon. Such ordinance shall supersede
all other provisions of the law on the same subject and may be
repealed only by an affirmative vote of at least five members of
the council. In the absence of such ordinance all local govern-
ments may be made and assessments levied thereon as provided
by any applicable law.

Section 2.4 Street Use. The city council may in its dis-
cretion, in cases where any lot fronting on the streets has been
completely acquired and the assessment paid for laying any sewer
line or other line upon a different street than one through which
such proposed improvement is to be effected, remit the
assessment of such owner lot such improvements next or such
assessment, not exceeding the amount of assessment for frontage
of sixty-six feet on such lot, as it may deem just under all the
circumstances of the case; but the discretion of the city council
in such matters shall be final, and the refusal or failure of such
council to make such reduction shall not be grounds for setting
aside such assessment in any court proceedings.

Section 2.5 Public Works and Utilities. Public works,
including all local improvements, may be constructed, extended,
repaired, and maintained either directly by the city or by
contract. The city shall exercise authority to give bonds for
the protection of the city and all persons furnishing labor and
materials pursuant to the laws of the state.

CHAPTER 10

ARTICLE 10

Section 10.1 Power to acquire property. The city may acquire, by purchase, gift, lease, or condemnation, any real property, tangible or intangible, or other within or without its corporate limits, which may be needed by the city for any public use or interest. Acquisition of streets, alleys, squares, building lines, water, sewer, gas, and electric lines, and other public works may be acquired by gift, lease, purchase, or condemnation in the manner provided by law.

Section 10.2 Condemnation in eminent domain. 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 declare such property as necessary as now or hereafter to be used which it is to be devoted. In exercising its power by condemnation of real estate, the city shall proceed according to the laws of this state, except as otherwise provided in this chapter.

Section 10.3 Payment of award. Whenever an award of damages is made in any proceeding for the taking of property for public use by right of eminent domain, or otherwise the court orders that payment in any award shall not be made until the time for appealing such proceedings to the city has expired, the city shall, within sixty 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 10.4 City may abandon proceedings. The city may, by resolution of the council at any stage of the condemnation proceedings or at any time within thirty days after 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.

Section 12.2 Public Hearing. The City shall hold a public hearing in accordance with the provisions of the Charter of the City of Chicago, Illinois, and the provisions of the Illinois Municipal Code, Chapter 12, before the City Council shall take any action on the subject of the proposed franchise. The hearing shall be held at a public hearing in the City of Chicago, Illinois, and the provisions of the Illinois Municipal Code, Chapter 12, shall be followed in the conduct of the hearing.

Section 12.3 Transfer of Franchise. Subject to any conditions that the original City Council may impose, the City shall not control the transfer of any franchise, including the purchase price, terms, or other conditions of the franchise. The franchise shall be included in the valuation of the City's assets in accordance with the provisions of the Illinois Municipal Code, Chapter 12, and the provisions of the Illinois Municipal Code, Chapter 12, shall be followed in the valuation of the City's assets. The City shall not be liable for the transfer of any franchise, including the purchase price, terms, or other conditions of the franchise.

Section 12.4 Transfer of Franchise. Any franchise, whether or not it is a franchise, shall be subject to the same provisions and shall be treated in the same manner as a new franchise.

CHAPTER 12

Public Utilities and Services.

Section 12.1 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 customers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility property as needed; but no proceedings to acquire any such public utility shall be commenced 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 Council.

Section 12.2 General provisions. The council may, in lieu of providing for the same, regulation of any, character, nature, and other activities, provided the same in full and subject also to local ordinances of such nature as it may see fit.

Section 12.3 Power of council. The council may, in the whole or in part, accept, transfer, or otherwise dispose of any property owned by the city, upon such terms and conditions as it may deem necessary; but such contract shall be entered in and not only be an ordinance approved by an affirmative vote of at least five members of the council and subject to popular referendum. Each ordinance shall not be an emergency ordinance. In no case shall such contract be for a term less than ten years.

Section 12.4 Public utility. Any public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the disposition of sale or other disposition are entered in an ordinance approved by a majority of the citizens voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease or disposition shall be subject, in addition, to the requirements of state law.

Section 12.5 Public utility. Any public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the disposition of sale or other disposition are entered in an ordinance approved by a majority of the citizens voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease or disposition shall be subject, in addition, to the requirements of state law.

Section 12.6 Public utility. Any public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the disposition of sale or other disposition are entered in an ordinance approved by a majority of the citizens voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease or disposition shall be subject, in addition, to the requirements of state law.

constituted for a period of three years and shall, at the time of expiration, be reconstituted by the city and shall have been constituted at least once during the term of the term that five years immediately preceding their expiration. They shall serve without compensation and shall receive no honorarium while absent from the city on business of the board. In order to fill board shall be a majority of the board, president, vice-president, secretary, treasurer, and auditor. The president shall be elected for the term, subject to confirmation by a majority vote of the council. The members shall be elected for a term of one year and the members shall be re-elected each year. The members shall continue in office until the expiration of their term. Vacancies in the board shall be filled by appointment and shall be confirmed in the manner for the members of the municipal board. Any member of the board may be removed for cause and upon an affirmative vote of five members of the city council.

Section 17.2 Meetings and officers. The board shall hold regular meetings at least once each month and these meetings shall constitute a quorum at any meeting. At the first meeting to be held in May of each year, the board shall elect from its members a chairman and a vice-chairman. It shall also elect a secretary-treasurer who need not necessarily be from the membership of the board. The officers shall have their offices at the board shall convene and shall hold their offices until the first of the year following their appointment or resignation until their successors are appointed and qualified. The city attorney and the city engineer appointed by the mayor shall act in the case of absence for the board and board.

Section 17.3 Powers. Generally the board shall have charge of the administration, operation and maintenance of all hospitals, controlled by the city or otherwise under the jurisdiction and control of the City of Portland and may make such rules, regulations and by-laws concerning the same as it may deem for the best interest of such hospital or hospitals. The general powers

hospital created shall not be considered to be limited by enumeration of specific powers in this chapter. The board shall have power to hire all necessary personnel to run and carry out the hospital; to purchase supplies and equipment for hospital purposes; and to incur all expenses of the hospital; to receive a grant or any other or employee and pay the salaries thereof; to accept all necessary insurance; to make contracts of such kind as may be deemed proper and their conditions; to establish and receive for rates and fees; this chapter shall be subject to such regulations and orders as may be made by the board in relation to the hospital; and for payment and collection of rates to support all necessary equipment, supplies and services to receive and accept all donations and contributions for hospital purposes that may be made to the city of Rochester and to accept and use such gifts that may be in the form of equipment or services; to establish such conditions as it may deem fit and to make rules and orders in the premises and to the administration, operation and maintenance of such hospital. Nothing in this chapter shall be construed to prevent any power in the board to construct any additional hospital or addition to hospital, consolidate same or merge same, or to acquire or dispose of any real or personal estate in and about such power to be in the city council.

Section 19.4 Fund. All funds received from the operation of such hospital or hospital and contributions therefor and from any other sources shall be kept in a separate account and used solely for hospital purposes. The board shall have authority to accept money donations and shall not enter into a contract for services, work or material to be performed or done for the city hospital except on a written agreement according to the amount of such money shall be received as provided in Chapter 7 of this chapter. All checks drawn on the account of the hospital shall be signed by two members of the board as required by the board.

Section 19.5 Reports. The board shall submit to the city council detailed reports of its operations and financial condition of the

Section 14.9 ~~Provisions not adopted for adoption~~
The provisions of this chapter shall be subject to all other provisions
under any other charter, or ordinance or resolution of the city
of the City of Minneapolis, shall be subject to any ordinance
to the provisions of this charter.

Section 14.10 ~~Existing ordinances continued~~ All ordinances
and regulations of the city in force when this charter takes
effect, and not inconsistent with the provisions thereof, are
hereby continued in full force and effect until amended or repealed.

Section 14.11 ~~Existing condemnations and assessments~~ Any
condemnation or assessment proceedings in progress when this
charter takes effect shall be continued and completed under the
law under which such proceedings were begun. All assessments
made by the city prior to the time when this charter takes effect
shall be collected and the lien thereof enforced in the same manner
as if this charter had not been adopted.

Section 14.12 ~~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.

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Secretary of State

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