



City of Rochester Minnesota

March 19, 1963

ELFREDA REITER
City Clerk

Mr. Joseph Donovan
Secretary of State
St. Paul, Minnesota

Dear Sir:

Enclosed herewith are certified copies of (1) a resolution adopted by the Common Council of the City of Rochester setting an election on four proposed amendments to the Charter of the City and (2) a resolution adopted by the Common Council of the City of Rochester canvassing the votes on the election of the proposed amendments.

All four of these amendments received the necessary 55% of the votes cast on each amendment and therefore were declared adopted and made a part of the City Charter. These filed in accordance with Minnesota Statutes, Section 410.12, Subd. 4.

Very truly yours,

Elfrieda Reiter
City Clerk

/er

enc.

#16231
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 22 1963
Joseph L. Donovan
Secretary of State

R E S O L U T I O N

Be it resolved by the Common Council of the City of Rochester, Minnesota:

That the exhibits attached hereto, marked "A-1", "A-2" and "A-3" are made part of this resolution and constitute a tabulation of the number of votes cast for each of the four proposed amendments to the Charter of the City of Rochester submitted at the General Election held on March 12th, 1963 in the City of Rochester, Minnesota as determined by said Common Council on the canvass of the returns of said Election made on March 13th, 1963.

Be it further resolved that the total number of votes cast at said election on Amendment No. 1 was 4,456 of which 2,925 votes were in favor of its adoption. That the votes in favor of Amendment No. 1 being in excess of 55% of the total votes cast thereon, said Amendment No. 1 was therefore adopted and is made a part of the Charter of the City of Rochester, Minnesota.

Be it further resolved that the total number of votes cast at said election on Amendment No. 2 was 4,500 of which 3,283 votes were in favor of its adoption. That the votes in favor of Amendment No. 2 being in excess of 55% of the total votes cast thereon, said Amendment No. 2 was therefore adopted and is made a part of the Charter of the City of Rochester, Minnesota.

Be it further resolved that the total number of votes cast at said election on Amendment No. 3 was 4,610 of which 3,455 votes were in favor of its adoption. That the votes in favor of Amendment No. 3 being in excess of 55% of the total votes cast thereon, said Amendment No. 3 was therefore adopted and is made a part of the Charter of the City of Rochester, Minnesota.

Be it further resolved that the total number of votes cast at said election on Amendment No. 4 was 4,544 of which 3,195 votes were in favor of its adoption. That the votes in favor of Amendment No. 4 being in excess of 55% of the total votes cast thereon, said Amendment No. 4 was therefore adopted and is made a part of the Charter of the City of Rochester, Minnesota.

Passed and adopted by the Common Council of the City of Rochester, Minnesota at a meeting thereof held this 13th day of March, A.D. 1963.

Attest: W. Fred A. Reuter
City Clerk

Harold DeVries
President pro tem of said Common Council

Approved this 14 day of March, A.D. 1963.

(Seal of the City of
Rochester, Minnesota)

#16231
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 22 1963
Joseph L. Anderson
Secretary of State

Albert J. Langley
Acting Mayor of said City

EXHIBIT "A-1"

FIRST WARD		SECOND WARD		THIRD WARD			FOURTH WARD			FIFTH WARD	
1	2	1	2	1	2	3	1	2	3	1	2

AMENDMENT NO. 1

To amend Sections 14, 41 and 107 of the charter of the City of Rochester effective upon the expiration of the term of office of the Assessor elected at the General Charter Election on March 12, 1963 or upon earlier vacancy in that office, so as to eliminate the Assessor as one of the elective officers of the City of Rochester; to provide for the annual appointment of the Assessor by Common Council of said City; and to eliminate certain language concerning the manner and form in which the assessor shall qualify after appointment.

"YES" received	145	183	161	210	289	272	188	144	146	91	373	230
"NO" received	152	144	57	17	141	107	88	77	131	81	157	92

AMENDMENT NO. 2

To amend Section 2 of Section 160 Chapter X of the Charter of the City of Rochester so as to increase the term of office of each member of the Board of Education from two years to four years and to provide for interim transition terms of office.

"YES" received	179	223	180	220	317	303	215	162	167	111	412	247
"NO" received	122	119	35	16	115	84	62	67	114	64	124	72

EXHIBIT "A-1"

THIRD WARD			FOURTH WARD			FIFTH WARD		SIXTH WARD			TOTAL
1	2	3	1	2	3	1	2	1	2	3	
289	272	188	144	146	91	373	230	205	121	167	2,925
141	107	88	77	131	81	157	92	132	76	79	1,531
317	303	215	162	167	111	412	247	228	130	189	3,283
115	84	62	67	114	64	124	72	105	71	55	1,223

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 22 1953
Joseph D. Lamm
Secretary of State

EXHIBIT "A-2"

FIRST WARD		SECOND WARD		THIRD WARD			FOURTH WARD			FIFTH WARD		SIXTH WARD	
1	2	1	2	1	2	3	1	2	3	1	2	1	2

AMENDMENT NO. 3

To amend sections 7, 9 and 10 of Section 160, Chapter X and repeal Section 298 of the Charter of the City of Rochester to provide that one member of the Board of Education shall be elected by said Board as Treasurer of the School District; to provide that the Board of Education may appoint a Deputy Treasurer who shall have such authority and duties as the Board shall determine; to provide for the deposit of the funds of the School District in an official depository; to provide that the Treasurer and Deputy Treasurer shall give bonds to the School District in an amount to be fixed by the Board of Education with bond premiums to be paid by the School District, said bonds to be conditioned for the faithful discharge of their duties; and to repeal all provisions of the Charter providing that the Treasurer of Olmsted County, Minnesota shall be Treasurer of the School District and relating to the duties and obligations of the Treasurer of Olmsted County as Treasurer of the School District.

"YES" received	196	229	186	224	329	314	226	173	178	110	424	259	252	147	20
"NO" received	111	105	32	11	115	74	47	57	104	62	104	65	84	46	3

AMENDMENT NO. 4

To amend Sections 33 and 35 of the Charter of the City of Rochester to provide that the Mayor shall have the control and supervision of the Police Department except as vested by Law in the Police Civil Service Commission; to provide that in the event the police Civil Service Commission, be abolished the Common Council shall exercise the powers of said Commission and the police Department shall operate under rules and regulations established by the Common Council; to eliminate the requirement that any person to be eligible for appointment to the Police Department must have resided in the City of Rochester at least one year immediately preceding his appointment; to provide that any person permanently appointed to the Police Department must become and remain a resident of the City of

FOURTH WARD			FIFTH WARD		SIXTH WARD			TOTAL
1	2	3	1	2	1	2	3	

173	178	110	424	259	252	147	208	3,455
57	104	62	104	65	84	40	38	1,055

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 22 1963
James F. Hanson
Secretary of State

State of Minnesota,
County of Olmsted,
City of Rochester, SS

I, Elfreda Reiter, City Clerk of the City of Rochester, Minnesota
do hereby certify that I have compared the foregoing copy of a resolution
with the original resolution on file in my office, and that the foregoing
is a true and correct copy of the said resolution and of the whole thereof.

Witness my hand this 19th day of March, A. D. 1963.

Elfreda Reiter
City Clerk of Rochester, Minnesota

(Seal of the City of
Rochester, Minnesota)

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 22 1963
Joseph L. Anderson
Secretary of State

EXHIBIT "A-3"

	FIRST WARD		SECOND WARD		THIRD WARD			FOURTH WARD			FIFTH WARD		SIXTH WARD		
	1	2	1	2	1	2	3	1	2	3	1	2	1	2	3
Rochester within six months thereafter; and to eliminate the requirement that each member of the Police Department give bond to the City conditioned for the faithful performance of his duties.															
"YES" received	176	205	178	215	302	301	209	152	157	106	389	248	220	140	197
"NO" received	129	131	38	18	141	93	73	75	124	68	147	80	122	62	48

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D WARD		FOURTH WARD			FIFTH WARD		SIXTH WARD			TOTAL
2	3	1	2	3	1	2	1	2	3	
01	209	152	157	106	389	248	220	140	197	3,195
93	73	75	124	68	147	80	122	62	48	1,349

STATE OF MINNESOTA
 DEPARTMENT OF STATE
 FILED
 MAR 22 1963
James L. ...
 Secretary of State

WHEREAS, the Board of Freeholders appointed by the Judge of the District Court, Third Judicial District of the State of Minnesota, to frame a Charter for the City of Rochester, Minnesota and to propose amendments thereto, has delivered to the City Clerk and to the Common Council of said City of Rochester, four proposed amendments to the said Charter to be submitted to the voters as required by law.

AND WHEREAS, one of said amendments, hereby designated by the Common Council as Proposed Amendment No. 1, proposes to amend Sections 14, 41 and 107 of said Charter; another of said amendments, hereby designated by the Common Council as Proposed Amendment No. 2, proposes to amend Section 2 of Section 160, Chapter X of said Charter; another of said amendments, hereby designated by the Common Council as Proposed Amendment No. 3, proposes to amend Sections 7, 9 and 10 of Section 160, Chapter X, and Section 298 of said Charter; and the last of said amendments, hereby designated by the Common Council as Proposed Amendment No. 4, proposes to amend Sections 33 and 35 of said Charter.

NOT THEREFORE, be it resolved by the Common Council of the City of Rochester:

(1) That the City Clerk of the City of Rochester is hereby ordered and directed to file the original drafts of said proposed amendments to the Charter of the City of Rochester in her office, which proposed amendments read as follows:

Proposed Amendment No. 1

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, is hereby amended by the substitution of the following in lieu of Section 14, Section 41 and Section 107 thereof, effective upon the expiration of the term of office of the Assessor elected at the General City Election in 1963, or upon the earlier vacancy in said office, created by death, resignation or removal of the incumbent, as follows:

"SECTION 14. The elective officers of said city shall be a Mayor, an Alderman at Large, a Treasurer, and a Justice of the Peace for the city, who shall be styled "City Justice". The Mayor shall be elected at the General City Election in each odd numbered year and shall hold office for a term of two years and until his successor shall be elected and qualified. The Alderman at Large shall be elected at the General City Election in each even numbered year, and shall hold his office for a term of two years, and until his successor shall be elected and qualified. The Treasurer shall hold his office for a term of one year and until his successor shall be elected and qualified. The City Justice shall hold his office for a term of two years."

"SECTION 41. The Assessor shall perform all the duties pertaining to the office of Assessor required by the general laws of the state, and shall also perform such other duties and keep such records in such form as, from time to time, may be prescribed by the Common Council, and shall have the powers, rights and privileges allowed by the general law respecting the listing of property for taxation. All records in his office shall be open to public inspection at all reasonable times."

"SECTION 107. The Common Council shall at the first regular meeting in April in each year, appoint a City Assessor, City Attorney, City Clerk, City Engineer, Pound Master, Chief of the Fire Department, Fire Warden and such other officers and employees as may be necessary to carry into effect the provisions of this Charter, each of whom shall hold his office or position until his successor has been appointed and qualified, unless sooner removed. It shall have power to prescribe the duties and compensation of any office by it appointed not herein provided for, and to require from time to time, other and further duties to be performed by any officer whose duties are herein prescribed. It shall also at such meeting or on adjournment thereof appoint on Official Paper for the year ensuing."

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PROPOSED AMENDMENT NO. 2

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, is hereby amended by the substitution of the following in lieu of Section 2 of Section 160 thereof, as follows:

"SECTION 2. The Board of Education shall consist of one (1) member from each ward, and one (1) member at large. Each board member shall be elected at a general city election and shall hold office for four (4) years and until his successor is elected and qualified, except that from Ward Four (4) the board member to be elected in 1964 shall hold office for three (3) years, the board member from Ward Three (3) to be elected in 1965 shall hold office for two (2) years, and the board member at large, to be elected in 1965, shall hold office for one (1) year, each to serve until his successor is elected and qualified."

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PROPOSED AMENDMENT NO. 3

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, is hereby amended by the substitution of the following in lieu of Section 7, Section 9, and Section 10 of Section 160 thereof, and by the deletion of Section 298 therefrom, as follows:

"SECTION 7. Within fifteen (15) days after the annual election of said district, said Board of Education shall meet at the office of said Board, and after being duly qualified, shall proceed to elect one (1) of their number President, one (1) of their number Clerk, and one (1) of their number Treasurer. They may appoint a Deputy Treasurer who shall have such duties and authority as the Board shall determine.

"The President shall preside at all meetings of the Board but shall have a vote only in case of a tie and on such matters as require an affirmative vote by a majority of all the Board for adoption. Five (5) members of said Board shall constitute a quorum for the transaction of business. No resolution involving an appropriation of money shall be valid unless sustained by a majority of all of the Board elected."

"SECTION 9. The Treasurer shall deposit the funds of the district in an official depository. The Treasurer shall pay all orders signed by the President of the Board of Education of said City and attested by the Clerk of said Board, if there are sufficient funds in his hands belonging to said district, and deliver to the Board of Education the said orders so paid by him. The district treasurer and the Deputy Treasurer, if one is appointed by the Board, shall give a corporate surety bond to the

district. The Board shall affix the specific amount of the bond in an amount sufficient to protect the interest of the district, and the bond shall be approved by the Board and conditioned for the faithful discharge of the official duties of the office. The district shall pay the bond premium."

"SECTION 10. No money shall be drawn from the treasury for or on behalf of said district, except on an order signed by the President of the Board and attested by the Clerk, stating in said order for what purpose the same is drawn; and the records of the district shall be so kept as to show the name of each member of the Board of Education voting for any appropriation, and no order shall be drawn on the treasury on behalf of said district except upon the affirmative vote of a majority of said Board."

Section 298 of the Charter of the City of Rochester is hereby repealed and deleted therefrom in its entirety.

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PROPOSED AMENDMENT NO. 4

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, is hereby amended by the substitution of the following in lieu of Sections 33 and 35, thereof, as follows:

"SECTION 33. There shall be in the City a Police Department, of which the Mayor shall have such control and supervision as is not vested by law in the Police Civil Service Commission and of which Department he shall be the chief executive officer and head. Said Department shall consist of a Chief of Police and such Patrolmen as from time to time may be authorized by the Common Council. All members of said Department shall be appointed by the Mayor. In the event the Police Civil Service Commission shall at any time be abolished, the powers of such Commission shall be exercised by the Common Council and the Department shall operate under rules and regulations established by the Common Council."

"SECTION 35. Any person to be eligible to appointment in the Police Department shall be a citizen of the United States; shall be able to read and write the English language; shall not have been convicted of a felony, and any appointee must, within six (6) months after permanent appointment, become and remain a resident of the City of Rochester."

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(2) BE IT FURTHER RESOLVED that the four proposed amendments as set forth above be submitted to the qualified voters of the City of Rochester for their adoption or rejection at the general "Charter Election" to be held in the several election districts in the City of Rochester on Tuesday, March 12, 1963 between the hours of 7:00 o'clock A. M. and 7:00 o'clock P. M.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause said proposed amendments to be published in their entirety once a week for two consecutive

weeks in the official newspaper of the City, the Rochester Post Bulletin in the City of Rochester, Minnesota, and is further directed to give such other notice of the submission of said proposed amendments to the qualified voters as is required by law.

BE IT FURTHER RESOLVED that the form of the official ballot on said proposed amendments be and it is hereby fixed as follows:

PROPOSED AMENDMENT NO. 1

YES	TO AMEND SECTIONS 14, 41 AND 107 OF THE CHARTER OF THE CITY OF ROCHESTER EFFECTIVE UPON THE EXPIRATION OF THE TERM OF OFFICE OF THE ASSESSOR ELECTED AT THE GENERAL CHARTER ELECTION ON MARCH 12, 1963 OR UPON EARLIER VACANCY IN THAT OFFICE, SO AS TO ELIMINATE THE ASSESSOR AS ONE OF THE ELECTIVE OFFICERS OF THE CITY OF ROCHESTER; TO PROVIDE FOR THE ANNUAL APPOINTMENT OF THE ASSESSOR BY COMMON COUNCIL OF SAID CITY; AND TO ELIMINATE CERTAIN LANGUAGE CONCERNING THE MANNER AND FORM IN WHICH THE ASSESSOR SHALL QUALIFY AFTER APPOINTMENT.
NO	

PROPOSED AMENDMENT NO. 2

YES	TO AMEND SECTIONS 2 OF SECTION 160 CHAPTER X OF THE CHARTER OF THE CITY OF ROCHESTER SO AS TO INCREASE THE TERM OF OFFICE OF EACH MEMBER OF THE BOARD OF EDUCATION FROM TWO YEARS TO FOUR YEARS AND TO PROVIDE FOR INTERIM TRANSITION TERMS OF OFFICE.
NO	

PROPOSED AMENDMENT NO. 3

YES	TO AMEND SECTIONS 7, 9 AND 10 OF SECTION 160, CHAPTER X AND REPEAL SECTION 298 OF THE CHARTER OF THE CITY OF ROCHESTER TO PROVIDE THAT ONE MEMBER OF THE BOARD OF EDUCATION SHALL BE ELECTED BY SAID BOARD AS TREASURER OF THE SCHOOL DISTRICT; TO PROVIDE THAT THE BOARD OF EDUCATION MAY APPOINT A DEPUTY TREASURER WHO SHALL HAVE SUCH AUTHORITY AND DUTIES AS THE BOARD SHALL DETERMINE; TO PROVIDE FOR THE DEPOSIT OF THE FUNDS OF THE SCHOOL DISTRICT IN AN OFFICIAL DEPOSITORY; TO PROVIDE THAT THE TREASURER AND DEPUTY TREASURER SHALL GIVE BONDS TO THE SCHOOL DISTRICT IN AN AMOUNT TO BE FIXED BY THE BOARD OF EDUCATION WITH BOND PREMIUMS TO BE PAID BY THE SCHOOL DISTRICT, SAID BONDS TO BE CONDITIONED FOR THE FAITHFUL DISCHARGE OF THEIR DUTIES; AND TO REPEAL ALL PROVISIONS OF THE CHARTER PROVIDING THAT THE TREASURER OF OLMSTED COUNTY, MINNESOTA SHALL BE TREASURER OF THE SCHOOL DISTRICT AND RELATING TO THE DUTIES AND OBLIGATIONS OF THE TREASURER OF OLMSTED COUNTY AS TREASURER OF THE SCHOOL DISTRICT.
NO	

PROPOSED AMENDMENT NO. 4

YES	TO AMEND SECTIONS 33 AND 35 OF THE CHARTER OF THE CITY OF ROCHESTER TO PROVIDE THAT THE MAYOR SHALL HAVE THE CONTROL AND SUPERVISION OF THE POLICE DEPARTMENT EXCEPT AS VESTED BY LAW IN THE POLICE CIVIL SERVICE COMMISSION; TO PROVIDE THAT IN THE EVENT THE POLICE CIVIL SERVICE COMMISSION BE ABOLISHED THE COMMON COUNCIL SHALL EXERCISE THE POWERS OF SAID COMMISSION AND THE POLICE DEPARTMENT SHALL OPERATE UNDER RULES AND REGULATIONS ESTABLISHED BY THE COMMON COUNCIL; TO ELIMINATE THE REQUIREMENT THAT ANY PERSON TO BE ELIGIBLE FOR APPOINTMENT TO THE POLICE DEPARTMENT MUST HAVE RESIDED IN THE CITY OF ROCHESTER AT LEAST ONE YEAR IMMEDIATELY PRECEDING HIS APPOINTMENT; TO PROVIDE THAT ANY PERSON PERMANENTLY APPOINTED TO THE POLICE DEPARTMENT MUST BECOME AND REMAIN A RESIDENT OF THE CITY OF ROCHESTER WITHIN SIX MONTHS THEREAFTER; AND TO ELIMINATE THE REQUIREMENT THAT EACH MEMBER OF THE POLICE DEPARTMENT GIVE BOND TO THE CITY CONDITIONED FOR THE FAITHFUL PERFORMANCE OF HIS DUTIES.
NO	

Passed and adopted by the Common Council of the City of Rochester, Minnesota at a meeting thereof held this 18th day of February A.D., 1963.

Albert J. Lingg
President of said Common Council

Attest: Eileen Renter
City Clerk

Approved this 21 day of February A.D. 1963.

Alvin J. Smith
Mayor of said City

(Seal of the City of
Rochester, Minnesota)

State of Minnesota,
County of Olmsted,
City of Rochester, SS

I, Elfreda Reiter, City Clerk of the City of Rochester, Minnesota
do hereby certify that I have compared the foregoing copy of a resolution
with the original resolution on file in my office, and that the foregoing
is a true and correct copy of the said resolution and of the whole thereof.

Witness my hand this 19th day of March, A. D. 1963.

Elfreda Reiter
City Clerk of Rochester, Minnesota

(Seal of the City of
Rochester, Minnesota)

#16231
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 22 1963
James L. Hanson
Secretary of State