

CERTIFICATE OF RATIFICATION OF PROPOSED AMENDMENT
TO HOME RULE CHARTER OF THE CITY OF VIRGINIA, ST.
LOUIS COUNTY, MINNESOTA

I, Paul Lundmark, as Clerk of the City of Virginia, St. Louis County, Minnesota, do hereby certify that the proposed amended Home Rule Charter of the City of Virginia hereto attached and hereby made a part hereof as adopted by the Charter Commission of the City was, after being duly published according to law, submitted to the qualified voters of the City of Virginia at a Special Charter Amendment Election held in said City on the 4th day of February, 1964, pursuant to notice of such election as required by law. That at said special election the hereto attached amendment received 3,744 affirmative votes and 1,307 negative votes; that the total votes cast at such election was 5,051. That following the canvass of said votes as required by law, the City Council of the City of Virginia duly adopted on February 11, 1964, a resolution declaring said charter amendment duly adopted; that said resolution was presented to the Mayor of said City on February 13, 1964, and approved by said Mayor on February 18, 1964, whereupon said resolution was duly published according to law. That this Certificate is made pursuant to the constitution of the State of Minnesota and the statutes in such state made and provided.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature and the corporate seal of the City of Virginia this 19th day of March, 1964.

#16799 *Paul L. Lundmark*
STATE OF MINNESOTA Clerk
DEPARTMENT OF STATE City of Virginia
FILED
MAR 23 1964
James L. Johnson
Secretary of State

Virginia, Minnesota
January 14, 1964

The Hon. Ernest Johnson, Mayor
of the City of Virginia
Virginia, Minnesota

We, the undersigned, being duly appointed and qualified members of the board of freeholders of the City of Virginia, Minnesota, having given considerable study to the Charter of the City of Virginia, have prepared the foregoing attached amendment to said Charter of the City of Virginia.

Therefore, under and pursuant to powers conferred upon the board of freeholders in and for the City of Virginia and acting in accordance with the statutes in such case made and provided, we have, in testimony and approval thereof, hereto unanimously affixed our signatures and do submit the same to you as Mayor of the City of Virginia for submission to the voters of the City of Virginia in the manner prescribed by law.

Respectfully submitted,
EMIL ERICKSON,
Chairman
JOHN A. TRENTI,
Secretary
HERBERT K. ANDERSON, JR.
ARTHUR HAUTALA
SYLVIA ISAACSON
QUERRINO JENIA
NEIL LAHTI
J. G. MILROY, JR.
GEORGE PEPELNUK
ELIO PIETRINI
VERNON D. SAXHAUG
WILLIAM SMOLENSKY
ROY TAMTE
LAURA VERITY
JOHN VUKELICH

AMENDED CHARTER

of the

CITY OF VIRGINIA

(Adopted, February 4, 1964)

CHAPTER ONE

Name and Boundaries

Section 1 - Name of City - The City of Virginia in the County of St. Louis in the State of Minnesota, shall, upon the taking effect of this charter, continue to be a city under the name of the City of Virginia, and shall continue to be a municipal corporation.

Section 2 - Boundaries of City - The territory constituting the City of Virginia, and the said limits and boundaries thereof, shall be as follows: All of Sections Six (6), Seven (7), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), and Twenty-one (21); the West Half of Section Five (5), the West Half of Section Eight (8), and a parcel of land described as follows: Starting at a point one hundred (100) feet east and forty (40) feet south of the center point of Section Eight (8), thence east one hundred (100) feet, thence south one hundred and twenty (120) feet, thence west one hundred (100) feet, thence north one hundred and twenty (120) feet, to place of beginning; all in Township Fifty-eight (58) North of Range Seventeen (17) West of the Fourth Principal Meridian.

CHAPTER TWO

Powers of the City

Section 3 - General Powers of the City - The City of Virginia shall have and use its present seal, and may alter it at its pleasure;

may contract, and be contracted with; may take by purchase, condemnation or otherwise, and hold, lease, sell, or convey all such real and personal property as its purposes may require, or the transaction of business may render convenient, within or without the limits of the City, as now provided by law; may sue and be sued; may acquire, construct, own, lease, and operate public utilities, and public works and improvements; may grant franchises or licenses for construction, operation and maintenance of public utilities in the City, and shall have power to establish fees and regulations for the operation thereof; may assess, levy, and collect taxes, for general or special purposes on all subjects or objects which the City is not by law forbidden to tax; may levy and collect assessments for local improvements; may borrow money on the faith and credit of the City, or on a public utility or other property owned by the City; may appropriate the money of the City for all lawful purposes; for the protection and promotion of the health and welfare of the residents of the City; may license and regulate persons, corporations and associations engaged in any business, occupation, trade, or profession; may define, prohibit, abate, 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 the construction, height, and materials used in all buildings in the City, and the maintenance and occupancy thereof; may make and enforce local police and sanitary regulations; may pass ordinances for maintaining and promoting peace, good government, and welfare of the City, and for the performance of all the functions thereof; may exercise such powers beyond its corporate limits as may be necessary for the effective exercise of any power granted herein as now authorized by law; may contract for the exchange of or use of its services beyond its corporate limits with other municipalities or political subdivisions; and in addition thereto, the City of Virginia shall have

and exercise all powers, functions, rights, and privileges exercised by, or which are possible to, or inherent in municipal corporations, and are not denied to it by the constitution or the laws of the State of Minnesota.

Section 4 - Interpretation of Charter - The provisions of this Charter shall be construed liberally in favor of the City, to the end that it may have all the powers necessary for the efficient conduct of its municipal affairs. The specific mention of particular municipal powers in other sections of this Charter shall not be construed as limiting the general powers of the City to those specifically mentioned. All powers of the City of Virginia, unless otherwise provided in this Charter, shall be exercised by the City Council, or under its direction.

CHAPTER THREE

Elective Officers and Elections

Section 5 - Elective Officers, Terms, Compensation - The elective officers of the City shall be a Mayor, elected for a term of two years; a Treasurer, elected for a term of two years; nine aldermen, elected for terms of four years; and a Municipal Judge and a Special Municipal Judge, elected for terms of six years. All elective officers shall have been residents of the City of Virginia for not less than two years prior to their filing, and they shall be qualified electors of the City. No elective officer elected after this Charter takes effect shall hold any other paid municipal office or employment for the City during the term for which he shall have been elected. The Council shall by resolution fix the rate of compensation for all elective officers, subject to the laws of the State of Minnesota, but the rate of compensation so fixed shall not be altered for the term to which such officer is elected, nor shall such compensation be altered between the date of the City primary election and

the January first next following.

Section 6 - Election by Wards - Six of the aldermen shall be elected by wards, and three at large. The Council shall establish the boundaries as often as necessary, so that each ward is as compact in area as practicable, and so that the most populous ward shall not exceed the population of the least populous ward by more than thirty per cent.

Section 7 - General and Primary Election - General elections of the elective officers of the City shall be held the first Tuesday after the first Monday in November of each odd-numbered year; primary elections shall be held two weeks prior to the general election. A candidate for elective office shall file with the City Clerk a certificate stating his qualifications for office, and the office for which he is a candidate; and shall pay the Clerk a filing fee of ten dollars. Said certificate shall be filed with the City Clerk not earlier than thirty days nor later than ten days prior to the primary election. In all other respects, primary, general, and special elections concerning the City shall be conducted as the Council may direct, and as provided in the election laws of the State of Minnesota. The Council shall canvass the returns of votes cast at all City elections, and declare the results thereof.

Section 8 - Vacancies in Office - The terms of office of the Mayor, the City Treasurer, and the members of the Council shall commence on the first day of January next following their respective elections. Whenever a vacancy occurs in any said elective office of the City, the Council shall, by resolution, appoint a qualified person to serve the unexpired term in such office. A vacancy shall be deemed to exist in case of the failure of any person elected or appointed thereto to qualify on or before the date his term begins; or by reason of his death, resignation, removal from office, removal from the City, or continuous absence from the City

for more than three months; or by reason of conviction of a felony of any such person, whether before or after his qualification; or by reason of the failure of any such person without good cause to perform any of the duties of his office for a period of three months. In such case, the Council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill such vacated office until the next regular municipal election, when the office shall be filled for the unexpired term. The terms and the commencement of office of the Municipal Judge and the Special Municipal Judge, as well as any appointment to fill any vacancy therein, shall be as provided in State Law.

Section 9 - Removal of Officers of the City - Any administrative officer of the City, any or all members of any Commission of the City, or any elected officer of the City (except the Municipal Judge and Special Municipal Judge) may be removed from his office by the affirmative vote of two-thirds of all members of the Council; but no such officer shall be so removed except for just cause, nor unless he has first been furnished with a copy of the charges against him, and has had reasonable opportunity to be heard, in person or by counsel, in his own defense.

Section 10 - Recall of Elective Officers - Any five electors of the City may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City, except the Municipal Judge or the Special Municipal Judge. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of not more than two hundred and fifty words of the grounds for removal, and a declaration of 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 prior to such

certification. The petition for the recall of any official, consisting of a certificate identical with that filed with the City Clerk, together with all the signature papers and affidavits thereto attached, shall be signed by a number of voters equal to at least twenty five per cent of the total number of votes cast at the last preceding regular municipal election for the office. 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. Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk, who shall examine the same within the next five days, and if he finds it irregular or insufficient in any way 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 shall find the petition still to be irregular or insufficient, he shall notify all the members of the committee to that effect and shall file the petition in his office, and no further action shall be taken thereon. If the petition be found sufficient, the City Clerk shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting provide for the holding of a special recall election for the office and in the territorial area concerned. The recall election shall be held not less than thirty nor more than forty-five days thereafter; provided, that 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.

In the published call for the election there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his course in office. In the recall election the officer whose recall is sought shall be a candidate; any other person or persons may file as candidates for the office not later than ten days prior to the date of the recall election; such filing, except for the specification of dates, shall be according to the provisions of Section Seven above. The candidate receiving the greatest number of votes in the recall election shall be deemed elected to complete the unexpired term of the office for which he was elected. Should no other candidate beside the incumbent file prior to ten days before the date set for the recall election, the election shall not be held; the incumbent shall thereupon complete the unexpired term of his office. Should the incumbent resign his office prior to ten days before the recall election, the election shall not be held, and the City Clerk shall thereupon certify the office to be vacant. Any vacancy created by such resignation shall be filled by the Council as provided in Section Eight above.

CHAPTER FOUR

Executive and Administrative Officers

Section 11 - Office of the Mayor - The Mayor shall be recognized as the official head of the City, and he shall be the chief executive officer of the City. It shall be his duty to see that the laws of the State of Minnesota, the provisions of this Charter, and the ordinances of the City are duly observed and enforced within the City. It shall be his further duty to see that the elective and appointive officers of the City faithfully discharge their respective duties, and to that end may institute and maintain on behalf of the City any appropriate action or proceeding

against any delinquent officer. The Mayor may, from time to time, submit to the Council proposals dealing with matters of concern to the City; and he shall at the end of each fiscal year submit to the Council a written report on the general condition of affairs of the City.

Section 12 - Administrative Officers: General Provisions - At its first regular meeting in January in each even numbered year, the Council shall appoint the following administrative officers; a City Clerk, a City Attorney, a City Assessor, a City Engineer, and a City Health Officer. Each such administrative officer shall be appointed for a term of two years, and each shall be appointed solely on the basis of merit and fitness for his duties. Each such officer shall have been a resident of the City of Virginia for a period of not less than two years immediately prior to his appointment; provided that, the Council may in its discretion waive the residency requirement in the appointment of the City Engineer. The Council shall fix such compensation for each administrative officer as will secure competent and faithful performance of the duties thereof. The Council shall have power to authorize the appointment or employment of such deputies, assistants, or other personnel as the proper management of each administrative office may require. Each administrative officer shall have the power to appoint, subject to the approval of a majority of the members-elect of the Council, such assistants or deputies as have been authorized for his office; each administrative officer shall have the power to employ such other personnel as have been authorized for his office; provided that, all such appointments or employment shall be solely on the basis of merit and fitness for duty of the persons appointed or employed. Each such administrative officer shall have authority to remove any assistant, deputy or other employee provided for his office; provided that, no such assistant, deputy, or other employee shall be removed except for cause. Prior to removal, the administrative officer

shall notify the party in writing and state his reasons for the proposed removal. Within five days after receipt of said notice, the party may make a written request for a hearing before the Council and it shall be granted before final action on the removal is taken. No administrative officer or member of any Commission shall hold any other paid municipal office or employment.

Section 13 - The City Clerk - Powers and Duties - The City Clerk shall keep the corporate seal of the City, and all papers and records thereof, except as herein otherwise provided. He shall attend all meetings of the Council and keep a record of all proceedings thereof, and be the purchasing agent of the Council unless another is specifically so designated. He shall draw and sign all orders on the treasurer as directed by the Council, except as in this Charter specifically provided otherwise, and he shall keep a full and accurate account of orders drawn by him and to whom and for what purpose the same are drawn. He shall attest the signature of the Mayor to all contracts, and affix the seal of the City thereto, and deliver the same to the proper officer or party. He shall keep regular books of accounts, which shall at all times show the precise financial condition of the City and which shall contain separate accounts with the different City officers and the various funds of the City, the amount, date and purchase of each Council appropriation, and payments made on account of the same. He shall endorse on each resolution and ordinance the time when the same was delivered by him to the Mayor, and the time when it was returned to him by the Mayor. He shall have the supervision of all printing and publications ordered by the Council, and shall cause to be published in the official papers the minutes of all proceedings of the Council, as soon after each meeting as practicable, and also cause to be published in said papers all ordinances

as soon as practicable after their final passage; and further, shall perform such duties as are imposed by law on City Clerks.

Section 14 - City Treasurer - Powers and Duties - The Treasurer shall receive and safely keep all money belonging to or accruing to the City and its departments. He shall be the custodian of all bonds, certificates of indebtedness, or other securities held by the City or its departments. Upon receipt of any money he shall credit it to the various funds which the Council or this charter shall have established. Such money shall be deposited daily in the name of the City to the order of the Treasurer in depositories designated by the Council.

Upon an authorized order, properly drawn and countersigned, the City Treasurer shall pay out money of the City and its departments. Records shall be kept of all receipts and disbursements, and each month a statement shall be submitted to the City Council revealing the amounts received and disbursed in each fund, and the balance of such funds. Records of bonds and coupons, paid and unpaid, and a file of those cancelled and paid shall be maintained by the Treasurer.

Section 15 - The City Attorney: Powers and Duties - The City Attorney shall be the chief legal officer of the City, and shall have been, prior to his appointment, admitted to practice in all the courts in this State for at least two years. It shall be his duty, when necessary, to appear in and conduct all civil suits and legal proceedings in which the City or any department thereof shall be directly or indirectly interested; when necessary, to take charge of and conduct prosecutions for the violations of all ordinances, resolutions or regulations of the council or any commission or officer of the City; upon request of any officer of the City, including members of commissions of the City, to give written legal opinions or advice on any matters respecting their official duties

or municipal affairs; to perform such duties consistent with his office, as may be required of him by the council; and such further duties as may be imposed by law on city attorneys. No special or assistant attorney shall be employed by any department of the City without the request of the City Attorney and the prior approval of the City Council.

Section 16 - The City Assessor - Powers and Duties - The City Assessor shall make a fair and equitable valuation of all taxable property in the City, according to the tax laws of the State of Minnesota. His assessments may be revised, in the interest of fairness, by the Board of Equalization of the City Council, established as provided in Section 20 of this charter. The Assessor shall be a full time officer of the City; during his term as Assessor he shall hold no other employment or engage in any other business or profession. The Council shall provide for a competitive examination for the office of Assessor; no person shall be appointed as Assessor who has not ranked as one of the top three contestants in such competitive examination. Once an Assessor has been appointed as specified above, the Council may at its discretion waive the requirement for examination should it desire to reappoint the same person as Assessor.

Section 17 - The City Health Officer, The City Board of Health - Powers and Duties - The City Health Officer shall be a physician, duly licensed to practice medicine in the State of Minnesota. On matters concerning the health of residents of the City, he shall from time to time consult with two laymen appointed by the Council for terms coincident with his own, and who with him shall constitute the Board of Health of the City. It shall be his duty to make such surveys, inspections, and studies as will keep him constantly informed concerning the health of the residents of the City; under appropriate circumstances to impose quarantines,

and to order burials; to register births and deaths within the City of Virginia; to issue orders abating nuisances dangerous to health; to advise the Council and other officers of the City on matters concerning the health of the community; to perform such duties pertaining to his office as the Council may require; and with the Board of Health to perform such other duties as may be imposed on municipal Boards of Health by the laws of the State of Minnesota. The Council may, by ordinance, determine that all or some of the services specified in this section shall be performed by an agency of the County of St. Louis.

Section 18 - The City Engineer - Powers and Duties - The City Engineer shall be a civil engineer registered under the Laws of the State of Minnesota. The City Engineer shall be a full time officer of the City and during his term as city engineer, he shall hold no other employment or engage in any other business or profession. The City Engineer shall have the supervision and general charge of all work done on any street, highway, alley, sewer and water mains in the City. He shall determine or approve the location of all sewer, telephone, water, gas, heat and other utility systems or any portion thereof to be located in the City and he shall perform such additional duties appropriate to his office as the Council may require. A designated superintendent of public works shall be his assistant, but not necessarily his only assistant, and shall be appointed and may be removed as provided in Section 12 of this Charter.

CHAPTER FIVE

The City Council - Powers, Organization and Procedure

Section 19 - Powers of the Council - The legislative power of the City of Virginia shall be exercised by the City Council. The powers of the Council shall be as specified or implied in the provisions of this Charter, and as

may be further specified or implied by the laws of the State of Minnesota.

Section 20 - Organization of the Council - The Council shall organize at its first regular meeting in January next following the regular municipal election. At this time it shall elect from its own number for the ensuing two years a President, a Vice-President, a Board of Tax Equalization composed of the President of the Council and four elected members of the Council, and such committees and other officers as may be needed for the transaction of its business. Election within the Council shall be by ballot and the affirmative vote of a majority of the members-elect of the Council shall be necessary to elect. The President, and in case of the absence of the President, the Vice-President, shall preside over the meetings of the Council, and shall sign all ordinances and resolutions passed by the Council. The President of the Council shall also have and exercise, under the title of Acting Mayor, the powers and duties of the Mayor during the absence of the Mayor from the City, or during any time the Mayor may be unable to discharge the duties of his office; and the acts of such Acting Mayor shall have the same force and effect as if performed by the Mayor; provided that, if the office of Mayor becomes vacant, said vacancy shall be filled as provided in Section Eight above.

Section 21 - Meetings of the Council - At its annual organization meeting, the Council shall set the time for its regular meetings. Special meetings may be called by the Mayor, or by the President of the Council. The call for special meetings shall be in writing. No business shall be transacted at a special meeting unless such business shall have been specified in the call for such special meeting. A majority of the members-elect of the Council shall constitute a quorum, but less than a majority may adjourn from time to time, and a minority as well as a

majority may compel the attendance of absent members. Except as this Charter may otherwise provide, or as the Council may otherwise specifically provide, the Council shall conduct its business according to Roberts Rules of Order.

Section 22 - Passage of Ordinances and Resolutions - Every legislative act of the Council shall be by ordinance; in all other matters, as may be specified herein or as the Council may deem proper, the Council may act by resolution, or by motion to be entered in the minutes. The style of all ordinances shall be: "The City Council of the City of Virginia do ordain as follows" No ordinance, except for general appropriations, shall contain more than one subject, which shall be expressed in its title. No ordinance shall be introduced except at a regular meeting, and provided further, that an exact copy of said Ordinance shall have been made available to each member of the Council at the previous regular meeting. The first reading of the proposed ordinance shall be held at the first regular meeting following the meeting in which exact copies of the ordinance are made available to the Council members. Its second reading shall be held at the next regular meeting and such ordinance shall not be amended after the meeting at which it receives its second reading. It shall receive its third reading at the next regular meeting subsequent to the time of the second reading. A vote upon the ordinance shall then be taken.

Section 23 - Passage, and Veto of Ordinances and Resolutions - Every ordinance or resolution except as in this Charter otherwise provided, shall be passed by a majority vote of the members-elect of the Council, taken by yeas and nays, which shall be entered in the minutes of the Council. Such ordinance or resolution shall be signed by the President of the Council and attested by the City Clerk, and on the next day there-

after the same shall be transmitted by the City Clerk to the Mayor for his approval. No ordinance or resolution shall be signed by the Mayor within four days after it is presented to him. If he shall approve the same, he shall append his signature with the date of his approval thereto, and return the same to the City Clerk within ten days, Sundays excepted, from the date of its transmission to him; and if he declines to approve the same, he shall within the said period of ten days, return the same to the City Clerk with a statement of his objections thereto, to be presented to the Council at its next meeting thereafter. Upon the return of an ordinance or resolution to the Council without the Mayor's approval, the question shall again be put upon the passage of the same, notwithstanding the objection of the Mayor, and if upon such vote, which shall be taken by a call for yeas and nays, not less than two-thirds of all the members-elect of the Council shall vote in favor of such ordinance or resolution, the same shall be declared enacted and shall have the same force and effect as if approved by the Mayor; provided, however, that in all cases where the original action of the Council requires a two-thirds vote, the veto of the Mayor shall be effectual unless overruled by a vote of not less than seven-ninths of the members-elect of the Council. If any ordinance or resolution submitted to the Mayor shall not be returned by him to the City Clerk on the tenth day, Sundays excepted, after presentation thereof to him, the same shall be deemed to approved by him, and he shall deliver the same to the City Clerk on demand. No vote of the Council shall be reconsidered or rescinded at a subsequent meeting of the Council unless at such meeting there are present at least as large a number of members as were present when said vote was taken.

Section 24 - Requirements of Two-thirds Vote: Publicity of Proceedings -
Every ordinance or resolution appropriating money, levying any tax or

assessment, creating any financial liability of the City, authorizing the issuance of bonds of the City, awarding or approving any contract for payment of money, ordering any condemnation of private property, ordering the making of any public improvement, ordering the vacating of any street, or removing any elective or administrative officer of the City (as provided in Section Nine of this Charter) shall require a vote of at least two-thirds of the members-elect of the Council. All ordinances shall be recorded and indexed by the City Clerk, in books to be provided for that purpose. Every ordinance and resolution shall be published once in the official newspaper of the City before it takes effect. The Council shall annually designate some newspaper, which shall have been printed and published for not less than one year prior to its designation, as the official paper of the City; and the Council shall also, at such meeting, provide for the publication of the proceedings of the Council in said official paper; provided that, if for any reason no newspaper shall accept the publication of the proceedings, ordinances, and resolutions of the Council, the Council may adopt such other methods for the publication of its proceedings, ordinances and resolutions as it may determine.

Section 25 - The Initiative - Preliminary Stage - Any five voters may form themselves into a committee for the initiation of any measure of public concern. After formulating their measure they shall file a verified copy thereof with the City Clerk, together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed measure to each of the signature papers to be circulated, together with their names and addresses, and the petition shall consist of the signature papers and the affidavits and documents attached thereto. Each signature paper shall be accompanied by an affidavit of the circulator thereof, testifying that each signa-

ture thereon is the genuine signature of the person it purports to be. All the signature papers shall be filed in the office of the City Clerk as one instrument, and he shall within five days thereafter ascertain by examination the number of voters whose signatures are appended thereto. If he finds the petition to be irregular, or to be signed by fewer than fifteen per cent of the total number of voters who cast their votes at the last preceding regular municipal election, he shall at once notify one or more members of the committee. The committee shall then be given thirty days in which to correct the petition or to file additional signature papers. If at the end of that period the petition is found still to be insufficient or irregular, the committee shall be so notified, and all further proceedings concerning this particular petition shall cease; provided, however, that this shall not be construed to prevent the filing of a new petition for the same purpose at some subsequent date, nor to prevent the Council from enacting the proposal as an ordinance or resolution.

Section 26 - Action on Initiative Petition - Should the City Clerk find the petition to be in due form and signed by not less than fifteen per cent of the total number of voters who cast their votes at the last regular municipal election, he shall submit the petition to the Council at their next regular meeting. The Council shall thereupon (a) enact it as an ordinance within sixty days from the time the petition was submitted to it, in a form satisfactory to at least four-fifths of the committee sponsoring the petition, or (b) submit the proposal to a vote of the people at any election regularly to be held among the voters of the City within four months from the date of submission of the petition to the Council, or if no such election is due to be held during such time, to submit the proposal to a vote of the people in a special election to be held not less than thirty days nor more than ninety days from the date

of submission of the petition to the Council. If at such election the proposal shall receive a majority of the votes cast thereon, it shall take effect as if enacted as an ordinance by the Council, and the veto of the Mayor shall have no effect upon it.

Section 27 - The Referendum - Preliminary Stage - Any five voters may form themselves into a committee to petition a vote of the people on any ordinance passed by the Council and before said ordinance takes effect. After formulating their objections to said ordinance they shall file a verified copy thereof with the City Clerk, together with their names and addresses as members of the committee. They shall attach a copy of their objections, and their names and addresses, to each signature paper to be circulated. Upon the filing of their objections with the City Clerk, the taking effect of the ordinance objected to shall be postponed. Within thirty days after the filing aforesaid, the committee shall file the completed petition with the City Clerk, together with affidavits testifying that each signature thereon is the genuine signature of the person it purports to be. He shall examine the same within the next five days, and if he finds it to be in due form and to be signed by a number of voters equal to at least fifteen percent of the total number of votes cast at the last preceding regular municipal election, he shall declare the petition to be adequate and shall forward the same to the Council at its next regular meeting. If the City Clerk shall find the petition to be insufficient or irregular, the committee shall be given an additional ten days to correct such insufficiencies or irregularities. If at the end of that time the City Clerk shall find the petition still to be irregular or insufficient, he shall notify the members of the committee to that effect; the petition shall thereupon be deemed to have failed, and the ordinance objected to shall take effect at once, or at such other time as the Council may designate.

Section 28 - Action on Referendum - If the City Clerk shall refer the petition to the Council as adequate, as described in Section 27 above, the Council shall (a) repeal the ordinance objected to, or amend it in a manner satisfactory to four-fifths of the members of the committee sponsoring the petition, or (b) submit the ordinance to a vote of the people at any election regularly to be held among the voters of the City within sixty days from the date of submission of the petition to the Council, or if no election is due to be held during such time, to submit the ordinance to a vote of the people at a special election to be held during that time. If at such election the ordinance shall receive a majority of the votes cast thereon, it shall take effect at once, or at another time to be specified by the Council.

CHAPTER SIX

Departments and Commissions of the City

Section 29 - Commissions - Appointments and Terms - Performance of certain services and functions of the City shall be vested in a Department of Public Safety, a Department of Public Utilities, a Library Department, a Park Department, a Hospital Department, and a Department of Planning and Zoning. Each department shall be governed by a Commission of five members who shall have been residents and freeholders of the City for a period of not less than five years immediately prior to their appointment. Commissioners shall be appointed by the Mayor, subject to the approval of a majority of the members-elect of the Council, and shall hold office for a term of five years and until their respective successors are appointed and shall have qualified. Should the office of any Commissioner become vacant before the expiration of the term for which he was appointed, the Mayor and the Council, as hereinbefore provided, shall appoint a person

to serve the balance of the unexpired term. Commissioners shall serve without pay; they shall be eligible for reappointment, and shall be so classified that the term of one member of each Commission shall expire each year. No Commissioner shall hold any other office or employment under the City during the term he serves as Commissioner. Appointments of Commissioners shall be made in January of each year, and their terms of office shall begin on February first following. The enumeration of certain Departments in this Section shall not be interpreted to preclude the establishment or continuance of such other Boards, Commissions, or agencies as have been or may be established by ordinance, statute, resolution or joint agreement with other governing bodies. Except as specifically otherwise provided by statute, or by joint agreement with other governing bodies, the organization, terms, and general powers and duties of such Boards, Commissions, or agencies, and members thereof separately established, shall be consolidated and re-organized to conform with the provisions of Sections 29, 30, and 36 of this Charter.

Section 30 - Commissions: Organization, General Powers and Duties -

The annual meeting of each Commission shall be held during February; subsequent meetings shall be held at such times and places as the Commission shall decide. Each Commission shall at its annual meeting elect from its members a President and a Secretary, who shall sign all contracts and all orders for the payment of money, and perform such other duties as usually pertain to their offices. The appointed secretary of each Commission shall keep minutes of each regular and special meeting of the Commission and forward certified copies of said minutes to the office of the City Clerk within five days after correction and approval. Said copies shall be kept on file in the office of the City Clerk in books kept for said purpose and no other publication of said minutes shall be required. It shall be the duty of any appointed officer of the City,

upon invitation of any commission, to advise and consult with any such Commission. It shall be the duty of any Commission, upon invitation of the Council, to meet with the Council in executive session to advise and consult with the Council. Each Commission shall make monthly financial reports and such other reports as the Council may require; shall set bond to be given by such of its employees as have departmental funds in their charge, and shall pay the premiums on such bonds. Each Commission shall have sole power to determine all matters relating to pay, retirement, vacations, and sick leave of employees of its Department; no employee shall be hired by any Commission without determining, by written examination or otherwise, his fitness for the position to which he is appointed. Each Commission shall have authority to remove or demote any employee except that any such demotion or removal shall be for cause. Prior to removal or demotion, the commission shall notify the employee in writing and state its reasons for the proposed removal. Within five days after receipt of said notice, the employee may make a written request for a hearing before the commission and it shall be granted before final action on the removal or demotion is taken. Each department shall have power to sue, and may be sued, on any matter relating to the management of its own affairs.

Section 31 - Public Safety Commission - Powers and Duties - The Department of Public Safety shall be governed by the Public Safety Commission. The Public Safety Commission shall have sole power to appoint a Police Chief and a Fire Chief; to appoint or promote firemen and policemen, and to demote, discipline any or all of them subject to the provisions of Section 30 of this Charter and subject to the authority of the Police Civil Service Commission as such Commission may be established under the Laws of the State of Minnesota. The Public Safety Commission shall have sole control over moneys appropriated by the Council for the Department

of Public Safety, and from these moneys it shall pay all salaries of employees of the Department, and purchase all equipment and supplies necessary for the proper management of the Department. It shall be the duty of the Commission to study and adopt such practices and policies, consistent with this Charter and the provisions of the Laws of the State of Minnesota, as will prevent fires, preserve order, promote the observance of law, and protect life and property.

Section 32 - Public Utilities Commission: Powers and Duties - The Department of Public Utilities shall be governed by the Public Utilities Commission. The Commission shall have sole power to manage and operate such water, gas, heat and electric plants as the City may own or acquire. The Commission shall appoint a Superintendent of Public Utilities who shall be required to give evidence of fitness for the supervision and operation of the utilities owned by the City, and to remove him for cause; and to appoint, promote, demote, discipline, or remove employees of the Department, subject to the provisions of Section 30 of this Charter. The Commission shall set such charges against each class of consumer, public or private, of gas, heat, water, or electricity service as will meet all costs of production and transmission of such utilities consumed by such class of consumer, and as will in the judgment of the Commission yield appropriate sums for depreciation and reserve accounts, and for the retirement of any bonded indebtedness incurred by the City for capital expenditures of the Department (except that water drawn from the mains through hydrants for City use, and electric current used for lighting the streets of the City shall be provided by the Department free of charge). From the various funds of the Department, and the proceeds of such bonds of the City of Virginia as may be sold to provide funds for capital

expenditures, the Commission shall have power to purchase or otherwise acquire such equipment, materials, and facilities as operation of the Department may require, and to sell or otherwise dispose of such materials, equipment, or facilities as it may be desirable to sell or dispose of. The Commission shall have power to sell water, gas, heat, and electricity service to any person or corporate body outside the territorial limits of the City of Virginia, and to buy such utilities from any such person or corporate body. The Commission shall have control over funds derived from the operation of the Department and the proceeds of such bonds of the City as may be sold to provide funds for its capital expenditures. The Commission may make transfers between funds, except funds established for the payment of bonds and bond interest.

Section 33 - Library Commission: Powers and Duties - The Library Department shall be governed by the Library commission. It shall be the duty of this Commission to manage and control such libraries, art galleries, and museums as the City may own or may acquire. The Commission shall have power to appoint a Chief Librarian and such assistant librarians and other employees as may be required, and to discipline or remove such personnel, subject to the provisions of Section 30 of this Charter; to have sole control over such monies as the Council shall appropriate to the Library Department, and over such gifts or monies as may be received from other sources; and to purchase, acquire, sell, or dispose of such books, materials, and furnishings as the proper management of the Library Department may require.

Section 34 - Park Commission: Powers and Duties - The Park Department shall be governed by the Park Commission. It shall be the duty of this Commission to supervise, control, and operate, under such rules and charges as it deems fit, all parks, parkways, greenhouses, plantings, golf courses, and playgrounds as the City may own or may acquire. It

shall have sole control over such moneys as the Council shall appropriate to the Park Department, and over such gifts and moneys as may be received from other sources. It shall have power to appoint a Superintendent of Parks and such other employees as the operation of the Department may require, and to promote, discipline, or remove such personnel, subject to the provisions of Section 30 of this Charter; and to purchase or otherwise acquire such equipment and materials as the operation of the Department may require, and to sell or otherwise dispose of such materials and equipment as may be desirable.

Section 35 - Hospital Commission: Powers and Duties - The Hospital Department shall be governed by the Hospital Commission, none of whose members shall during the term of their appointment be engaged in the practice of medicine or any allied science. It shall be the duty of this Commission to operate, supervise and control, under such rules and charges as it shall establish, all hospitals the City may own or acquire. The Commission shall have power to appoint a Hospital Superintendent and such other staff employees as the Hospital Department may require, and to discipline or remove such personnel, subject to the provisions of Section 30 of this Charter; and it shall have sole control over such moneys as the Council may appropriate to the Hospital Department, as it may acquire by reason of the operation of the hospital and over such gifts and other moneys as may be received from other sources. It shall be the duty of the Commission to establish such management policies and set such charges for hospital services as will, so far as possible, cover all operating costs of the department, consistent with good hospital practice. The Commission may establish and maintain under its control a depreciation reserve for the purpose of providing repairs to and replacement of its hospital facilities and equipment. The Commission may from time to time expend sums in the depreciation reserve

for such repair and replacement. In determining the charges to be imposed, the commission may give consideration to and may include the amount necessary to create an adequate depreciation reserve. The Commission shall have the power to purchase such materials and equipment as the operation of the department may require and may sell or otherwise dispose of all such materials and equipment as may be desirable. The Commission shall have power, at such charges as it shall determine, to make contracts with any person or corporate body to provide hospital care or hospital management services; and to establish and manage, by itself or with other parties, such training schools and procedures as the Commission may determine necessary, subject to the Laws of the State of Minnesota. It shall be the duty of the Council to appropriate to the Hospital Department sufficient moneys each year to pay the City's share of the cost of hospital services rendered by the Department in Detention cases.

Section 36 - Planning and Zoning Commission: Powers and Duties - The Department of Planning and Zoning shall be governed by the Planning and Zoning Commission. It shall be the duty of this Commission to make plans for the Direction and extent of the City's settled territorial area, and for the arrangement of streets and the location of park and school area; to divide the territory of the City into residential, commercial, and other zones; to propose changes in previously established zones; to propose rules regulating the location of buildings on lots or in relation to other buildings; to propose rules or specifications concerning the structure of any building to be erected in the City of Virginia. No Plat restrictions relating to use of the premises or location of buildings on the premises shall be valid without prior approval of the Commission. No zoning or building proposal by the Commission shall take effect until it shall have been enacted as an ordinance, as in this Charter

described, by the Council. No exception to any building or zoning ordinance shall be made by the Council except by resolution, and unless the exception shall have been recommended by the Planning and Zoning Commission.

CHAPTER SEVEN

Municipal Court

Section 37 - Municipal Judges: Election, Compensation - The Municipal Court of the City of Virginia shall continue in operation as provided by the Laws of the State of Minnesota. There shall be two judges, one of whom shall be known as the Municipal Judge, and one who shall be known as the Special Municipal Judge; each shall exercise all the powers provided by statute. Both Judges shall be elected at the regular City elections for the term of six years, beginning on the first Monday of the month next following their election, and continuing in office until their successors qualify. The Special Municipal Judge shall act only in the absence or disability of the Municipal Judge. The Municipal Judge and the Special Municipal Judge shall receive compensation as established by the Laws of the State of Minnesota.

Section 38 - Municipal Court - Jurisdiction - The Court shall be a Court of record and its procedure and jurisdiction shall be as established by law.

Section 39 - Municipal Court: Officers - The Municipal Judge shall appoint a Clerk and such deputy clerks as the Court may require, to serve at the pleasure of the Municipal Judge. Their respective salaries shall be fixed by resolution of the Council and shall not be diminished during their respective terms. They shall make weekly reports to the Council

as provided by law. All fees and fines received shall be turned over to the Clerk who in turn shall pay such fees to the City Treasurer and such fines to the proper authority as the law shall provide.

Section 40 - Conciliation Court - The Conciliation Court shall be established and governed as provided in the Laws of the State of Minnesota. The Judge of the Municipal Court shall also be the Conciliation Judge, and the Clerk of the Municipal Court shall be the Clerk of the Conciliation Court. Any person who has a claim within the jurisdiction of the Municipal Court, if the amount involved does not exceed \$100.00, may appear before the Court and state his cause of action without any pleading. The Judge thereof will then set a time for the hearing thereof, and determine the matter. Such determination or judgment shall be binding upon the parties, unless appealed to the Municipal Court within five days after notice. Only claims in controversy may be heard in such Court, and no attorney may appear for either party.

CHAPTER EIGHT

Finance

Section 41 - Finance: Fiscal Year, Funds, Audits - The fiscal year of the City shall begin on January first, and end on December thirty-first next following. The Council shall have general control over the financial affairs of the City. The Council shall establish a general fund, a permanent improvement fund, a Mayor's contingent fund of not to exceed \$2,000.00 per year, funds for the support of such Commission directed departments of the City as are not entirely self-supporting, and such other funds as the proper administration of the City's affairs may require; provided that where funds are established by the Council for the support of any of the Commission-directed Departments of the City,

the respective Commissions shall have sole authority over the disbursements from such funds. The Public Utilities Commission and the Hospital Commission shall order and provide for a competent annual audit of their accounts; the Council shall order and provide for a competent annual audit of the accounts of the other Departments of the City, and of the other moneys and funds of the City and of its several Departments; and it shall set bond to be given by officers of the City, excluding the fiscal officers of the several Commission-directed Departments, having public moneys in their charge, and pay the premiums on such bonds.

Section 42 - Finance: Taxing, Borrowing - The Council shall have sole authority, in accordance with the laws of the State of Minnesota, to levy taxes on the real and personal property within the City's limits; to assess and collect such license fees as it may deem proper and as are not forbidden by law; to levy special assessments against any property whose value is enhanced by any permanent public improvement, in such amount as will pay for all or any amount of the cost of said improvement; to borrow money, pledged by the full faith and credit of the City, for any appropriate City purpose; and to specify, at its discretion, that money borrowed for the enlargement or improvement of any Department, be repaid in part or in full from the revenues of such Department. The total debt of the City shall not exceed ten per cent of the taxable assessed valuation of the real and personal property located within the City's limits; provided that in computing the total debt of the City, bonds to be repaid out of Department revenues or out of special assessments against property owners shall not be counted. It shall be the duty of the Council, when money is borrowed for City purposes, to see that such borrowing is done at the lowest possible cost to the City, and at the best possible terms.

Section 43 - Finance: The Budget System - Expenditures of the City shall be planned and made according to a budget. The budget shall be prepared by a Budget Board to be composed of the Mayor, the President of the Council, and the City Treasurer. Not later than August first of each year administrative officers, and Commissions whose Departments are not solely self-supporting, shall transmit to the Budget Board detailed estimates of their financial needs for the ensuing fiscal year. By the same date, the City Treasurer shall provide the Budget Board with a detailed estimate of probable receipts for the ensuing fiscal year, and a statement of obligations already incurred and due and payable in said year. The Budget Board shall thereupon prepare and present to the Council, at its first regular meeting in September, a budget of expenditures for the ensuing fiscal year, recommending specific appropriations by the Council to the funds and functions listed in the budget. At the same time the Budget Board shall also, for the guidance of the Council, transmit to the Council a classified statement of receipts and expenditures of the City for the past fiscal year, an estimate of receipts and expenditures of the City for the current fiscal year, and an estimate of the receipts of the City for the ensuing fiscal year. The Council, with such modifications in the proposed budget as it sees fit to make, shall adopt the budget at or before its last regular meeting in September. During the ensuing fiscal year, the Council shall appropriate moneys to the several funds and functions of the City in accordance with the adopted budget, and shall not deviate therefrom save by resolution adopted by a vote of not less than two-thirds of the members-elect of the Council.

Section 44 - Finance: Board of Tax Levy, Levy Procedure - The Budget Board shall also be the Board of Tax Levy of the City. Not later than October first, the Board of Tax Levy shall fix maximum tax levies for the various purposes for which the Council is duly authorized to levy

taxes, and no taxes shall be levied by the Council in excess of the maximum amounts fixed by the Board of Tax Levy. The Council shall, on or before the tenth day of October, and in accordance with the maximum levies fixed by the Board of Tax Levy, levy a tax on all property in the City taxable under law, for the purpose of defraying and paying all the expenses, obligations, and liabilities existing or authorized by this Charter, and the said levy shall be reported by the City Clerk forthwith to the County Auditor of St. Louis County, and shall be entered on the tax duplicate of said County and collected in like manner as County and State property taxes are collected.

Section 45 - Finance: Letting of Contracts - For the management of their respective Departments, the Commissions shall have sole authority to let and execute contracts; in all other matters respecting the affairs and management of the City, the Council shall have power to let and execute contracts. No purchase, sale, lease or contract shall be made by the Council or any Commission or any officer for or on behalf of the City without advertisement for bids thereon if the amount involved or cost thereof shall exceed \$1,000.00. Every advertisement for bids shall be published once a week on the same day for two consecutive weeks in the official newspaper of the City, which publication shall contain the general description of the matter to be bid upon and which shall invite sealed bids to be filed with the City Clerk or other duly authorized officer, to be opened at a time designated which shall not be less than seven or more than thirty days after the last publication. All bids shall be submitted in sealed envelopes and all bids shall be opened and read aloud publicly on the date and hour designated in the advertisement for bids. The word "bid" shall be deemed to include and mean the same as the word "proposal". Where bids are called for, the Council or Commissions or other duly authorized officer shall accept offers from

responsible bidders only, who will give security for the performance of their offer or contract, and whose offers or contracts are to the greatest possible advantage to the City or its Departments. No contract shall be let by the Council or any Commission to any party in default to the City or any Department on any other contract. Where bids are received for the doing of any public work, if the lowest of such bids is higher than a reasonable estimate of the cost of such work, the Council or Commissions may, by motion entered in their minutes, reject all bids and direct such work to be done by day labor or by the employees of the City or of the respective departments. Neither the Council nor the several Commissions shall have power to order or authorize any compromise in the performance of any work to be done or delivery to be made under contract, except as provided in the contract therefore; and the Mayor and the City Attorney shall take care that all defaults by parties contracting with the City or its Departments be speedily prosecuted.

Section 46 - Permanent Improvement Ordinance - The Council shall use the Statutes of the State of Minnesota relating to local permanent improvements in determining procedures to be followed in the determination to make any permanent improvement, the means of allocating moneys to the permanent improvement fund and in making disbursements from such fund, the manner of levying and collecting such assessments for permanent improvements, the proportion of the cost of permanent improvements to be borne by property owners, and any other matters appropriate thereunder.

CHAPTER NINE

Miscellaneous and Transitional Provisions

Section 47 - Oath of Office - Every officer of the City, elective or appointive, 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) that I will support the Constitution of the United States and of the State of Minnesota, and that I will faithfully and honorably discharge the duties resting on me as (Mayor, Alderman, etc.) of the City of Virginia."

Section 48 - Advantage or Interest in City Business - No officer or employee of the City shall solicit or receive any pay, gift, commission, money or thing of value, or derive any benefit, profit, or advantage, directly or indirectly, from or by reason of any improvement or repair required by the City, or any contract to which the City shall be a party, except his lawful compensation or salary as such officer or employee. Any violation of the provisions of this section shall disqualify the offender from continuing in office.

Section 49 - Transition of Offices - The provisions of this Charter shall take effect on the January first next following its adoption, and the transition of operation of the affairs of the City from its last previous Charter to this Charter shall be as follows: (1) Administrative officers; the terms of the administrative officers appointed by the Council in 1964 shall end on February 1, 1966, and the Council shall provide for the succession in those offices as provided in Section 12 above; (2) Elections and elective officers: The first primary election and the first general election for Mayor, Treasurer, members of the Council, Municipal Judge and Special Municipal Judge, as provided in Section 7

above, shall be held in 1965. The terms of such members of the Council as were elected in February of 1962 shall end on January 1, 1966; the terms of such members of the Council as were elected in February of 1964, shall end on January 1, 1968; the terms of the Mayor and Treasurer elected in February of 1964 shall end on January 1, 1966; the terms of the Municipal Judge and Special Municipal Judge elected in February of 1960 shall end on December 1, 1965. (3) Boards and Commissions: The terms of members of the Water and Light Commission, the Police and Fire Commission, the Hospital Commission, the Park Board, the Library Board, the Planning Board, and the Zoning Board shall end on February 1, 1965. The Mayor and the Council shall during the month of January, 1965, and as provided in Section 29 above; (a) reconstitute the Hospital Commission; (b) reconstitute the Park Board as the Park Commission; (c) reconstitute the Water and Light Commission as the Public Utilities Commission; (d) reconstitute the Police and Fire Commission as the Public Safety Commission; (e) establish the Planning and Zoning Commission; (f) reconstitute the Library Board as the Library Commission. The members of the Library Commission shall be appointed from among the members of the former library board; in making appointments to other Commissions, the Mayor and the Council shall give due consideration to the re-appointment of incumbent Commissioners. The Council is hereby authorized by Resolution to make such further provisions for transition of operation to the affairs of the City from the requirements of the previous Charter to the requirements of this Charter as may be necessary.

Section 50 - Succession of Rights and Liabilities - When this Charter takes effect, the City of Virginia shall be vested with all the rights and immunities formerly vested in the City of Virginia, and shall be subject to all liabilities existing against the City at that time; all

ordinances, resolutions and regulations in force at the time of the adoption of this Charter and not in conflict with its provisions shall continue in force until duly amended or repealed; any tax levy, assessment, condemnation, or other municipal action in progress when this Charter takes effect shall be continued and completed under the Laws under which such proceedings were begun.

#16799
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 23 1964
James L. Harrison
Secretary of State