

TO WHOM IT MAY CONCERN:

The three attached amendments to the Charter of the City of Rochester are copies of the original amendments submitted by the Charter Commission of the City of Rochester.

Dated at Rochester, Minnesota this 20th day of March, A.D. 1964.

*Elfrieda Rector*  
\_\_\_\_\_  
City Clerk of the City of  
Rochester, Minnesota

(Seal of the City of  
Rochester, Minnesota)

#16800  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 23 1964  
*Joseph L. Allmarand*  
Secretary of State

#16800

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
F. L. B. J.  
MAR 23 1964

*Joyce L. Johnson*  
Secretary of State

AMENDMENT  
of the  
CHARTER  
of the  
CITY OF ROCHESTER  
Rochester, Minnesota

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article IV, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, is hereby amended so that the following shall be substituted for Sections 16, 19, 24, and 32 thereof:

"Section 16. In the event of a vacancy in the office of the Mayor, the Alderman at Large shall succeed to the office and he shall hold office until his successor is elected and qualified. If at the time of such vacancy the office of Alderman at Large is also vacant, the Ward Alderman with the greatest seniority shall succeed to the office and he shall hold office until his successor is elected and qualified. Seniority shall be based on continuous uninterrupted service as an Alderman. In the event two or more Alderman have equal seniority, the Alderman representing the Ward with the lowest numerical designation shall be deemed the Senior Alderman.

"In the event of a vacancy in the office of Alderman at Large or Ward Alderman, a successor shall be appointed by the Common Council to hold office until the successor of such appointee is elected and qualified.

"Officers appointed by the Common Council shall receive a majority vote of all members to constitute an appointment, such vote to be had 'via voice' on roll call.

"In the event the vacancy in the office of Mayor, Alderman at Large or Ward Alderman occurs during the first year of the term, the successor shall serve until the next annual election, at which the term for each such office shall be one year, and until his successor is elected and qualified.

"In the event vacancies exist in five or more of the offices of Mayor, Alderman at Large, or Ward Alderman, simultaneously, a special election shall be held within thirty (30) days to fill all vacancies. Ten (10) days notice shall be given by the clerk of said City of the time and place of holding the election and the officers to be elected by posting notice thereof in three (3) of the most public places in the City and by publishing the same in the official paper of the City, if such paper is then being published."

\*\*\*\*\*

"Section 19. Every person elected or appointed or who succeeds to any office under this charter, shall, before he enters upon the duties of his office, take and subscribe an oath of office, before some officer authorized to administer oaths, and file the same with the City Clerk. Each such person shall also, before entering upon the duties of his office, give to the City such bond, if any, as hereinafter required, or as may be required by the Common Council, the same to be approved by the Common Council and filed with the City Clerk."

xxxxxxx

"Section 24. If an elective officer is not chosen at the time when such elective officer should be chosen, under the terms of this charter, the Common Council shall forthwith call a special election to fill the vacancy. Whenever a vacancy shall otherwise occur in any office, either elective by the people or appointive by the Common Council, except the office of Mayor, such vacancy shall be filled by appointment, by warrant of the Common Council, the appointee to hold his office until the next annual election, or appointment of officers, and until his successor is elected or appointed and qualified."

\*\*\*\*\*

"Section 32. During the absence of the Mayor from the City, or in case of his disability for any reason to discharge the duties of his office, the Alderman at Large shall, for the time being, exercise all the powers and discharge all the duties of the Mayor. The Alderman at Large while so acting as Mayor shall be styled the "Acting Mayor" and his acts in that capacity shall have the same force and validity as if performed by the Mayor.

"During the absence of both the Mayor and the Alderman at Large from the City or in case of the disability for any reason of the person then discharging the duties of the office of Mayor, the senior ward alderman shall, for the time being, discharge all the duties of the office of Mayor. The Ward Alderman, while so acting as Mayor, shall be styled the "Acting Mayor" and his duties in that capacity shall have the same force and validity as if performed by the Mayor.

"In the event two or more Alderman have equal seniority, the Alderman representing the Ward with the lowest numerical designation shall be deemed Senior Alderman."

This amendment shall take effect as of the 11th day of March, 1964.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Board of Freeholders thereof, pursuant to Minnesota Constitution, Article IV, Section 36, and Minnesota Statutes, 1953, Chapter 410, and is hereby delivered to the Mayor of said City in order that it may be submitted to the voters in accordance with the provisions of said Constitution and Statutes.

IN WITNESS WHEREOF, We have hereunto set our hands this 3rd day of February,  
A.D., nineteen hundred and sixty-four.

Jim S. Dowan  
Miss Earl C. Cottrell  
David T. Bishop  
Mark Johnson  
James J. Curtis  
Ernest Jensen  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Ernest Jensen  
Robert C. Reilly  
John C. Gubler  
Paul C. Thiede  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS OF THE BOARD OF FREEHOLDERS,  
CITY OF ROCHESTER, MINNESOTA

AMENDMENT  
of the  
CHARTER  
of the  
CITY OF ROCHESTER  
Rochester, Minnesota

#16800  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 23 1964  
James L. Anderson  
Secretary of State

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article IV, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, is hereby amended by the addition of the following section, to be known as Section 102.0:

"Section 102.0. The Common Council may codify the ordinances of the City, and enact such Code of Ordinances as a single, comprehensive ordinance, repealing and replacing all prior ordinances (except as may be specifically retained by particular reference in the Code). Such Code, when duly enacted by the Common Council in accordance with the other provisions of this Charter, need not be published in the official paper of the City, but shall be effective at whatever effective date the Code may prescribe, provided that: 1) Notice of the adoption of the said Code shall have been published for at least one week in the official paper of the City, which publication shall be proved by the affidavit of the foreman or publisher of such paper; and 2) Copies of said Code shall have been available at the office of the City Clerk for distribution to the public generally at a reasonable price for at least one week prior to said effective date, which fact shall be proved by affidavit of the City Clerk on file with the Code in the office of the City Clerk.

"After the adoption of a Code of Ordinances, subsequent ordinances <sup>duly passed and published</sup> (except those which may be of a type specifically excepted from the Code) may be incorporated into the Code from time to time at the direction of the Common Council without any further publication of the said ordinances. In so doing the form of the said ordinances may be changed to conform to the form of the Code, but no change in the substantive meaning of any ordinance shall be made upon its incorporation into the Code."

This amendment shall take effect as of the 11<sup>th</sup> day of March, 1964.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Board of Freeholders thereof, pursuant to Minnesota Constitution, Article IV, Section 36, and Minnesota Statutes, 1953, Chapter 410, and is hereby delivered to the Mayor of said City in order that it may be submitted to the voters in accordance with the provisions of said Constitution and Statutes.

IN WITNESS WHEREOF, We have hereunto set our hands this 29 day of January, A.D., nineteen hundred and sixty-four.

John S. Gowan  
James Earl Gant  
Robert S. Koss  
David J. Moore  
David W. Bishop  
James P. Rust  
Ernest Thier  
Ken W. Vanberg  
Halter Bussick

Donald J. ...  
Paul G. ...  
Albert ...  
John ...  
Mark J. ...

MEMBERS OF THE BOARD OF FREEHOLDERS,  
CITY OF ROCHESTER, MINNESOTA

AMENDMENT  
of the  
CHARTER  
of the  
CITY OF ROCHESTER  
Rochester, Minnesota

#16800

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
F. I. L. H. D.  
MAR 23 1964  
*James L. ...*  
Secretary of State

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article IV, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, is hereby amended so that the following shall be substituted for Section 275 thereof:

"Section 275. All contracts for commodities or service to be furnished or performed for the City, or any department thereof, involving an expenditure of more than Fifteen Hundred Dollars (\$1500.00) shall be made as in this chapter provided, and not otherwise. The words 'commodities' and 'service' as used in this chapter, shall be construed to include all work, labor, materials, supplies or other property and all lighting and other service, and all local or public improvements, but shall not include the employment of City officers and employees and the setting of their salaries, and the employment of independent professional services, the purchase of real estate, and contracts of insurance. The word 'contract' as used in this chapter, shall be construed to include every agreement, in writing or otherwise, executed or executory, by which any commodities, work, or service are to be furnished to or done for the City, and every transaction whereby any expenditure is made or incurred on the part of the City or any department or any officer thereof, except contracts for the employment of City officers and employees and the setting of their salaries, contracts for the employment of independent professional services, contracts for the purchase of real estate, and contracts of insurance.

"All action in this chapter required or authorized to be taken by the Common Council shall be by resolution or ordinance. If the proposed contract be in the hands of a Board, under this Charter, this Board shall take the same proceeding as herein provided for the Common Council and the Clerk or Secretary of such Board shall do those acts in relation to such contract as are provided by this chapter to be done by the City Clerk if the letting of the contract were in the hands of the Common Council."

This amendment shall take effect as of the 11<sup>th</sup> day of March, 1964.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Board of Freeholders thereof, pursuant to Minnesota Constitution, Article IV, Section 36, and Minnesota Statutes, 1953, Chapter 410, and is hereby delivered to the Mayor of said City in order that it may be submitted to the voters in accordance with the provisions of said Constitution and Statutes.

IN WITNESS WHEREOF, We have hereunto set our hands this 29 day of January, A.D. nineteen hundred and sixty-four.

*John S. ...*  
*Wm. Earl ...*  
*Robert C. ...*  
*David J. ...*  
*David ...*  
*Samuel ...*  
*Donald ...*  
*Wm. ...*

*Walter ...*  
*Ernest ...*  
*Paul G. ...*  
*John L. ...*  
*James ...*  
*Alfred ...*

MEMBERS OF THE BOARD OF FREEHOLDERS,  
CITY OF ROCHESTER, MINNESOTA

RESOLUTION

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

That the exhibits attached hereto, marked "A-1" and "A-2" are made part of this resolution and constitute a tabulation of the number of votes cast for each of the three proposed amendments to the Charter of the City of Rochester submitted at the General Election held on March 10th, 1964 in the City of Rochester, Minnesota as determined by said Common Council on the canvass of the returns of said Election made on March 11th, 1964.

Be it further resolved that the total number of votes cast at said election on Amendment No. 1 was 4,253 of which 3,526 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 4,269 of which 2,701 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 4,256 of which 2,850 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.

Passed and adopted by the Common Council of the City of Rochester, Minnesota at a meeting thereof held this 11th day of March, A.D. 1964.

Albert J. Tingley  
President of said Common Council

Attest: Elveda Renter  
City Clerk

Approved this 11 day of March, A.D. 1964.

Alvin P. Smith  
Mayor of said City

(Seal of the City of  
Rochester, Minnesota)

716800  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 23 1964  
Joseph L. Anderson  
Secretary of State

---

**FIRST WARD****SECOND WARD**

---

1 2

1 2

---

**AMENDMENT NO. 1**

To amend Sections 16, 19, 24 and 32 of the Charter of the City of Rochester to provide that in the event of the vacancy in the office of Mayor, the Alderman at Large shall become the Mayor and if at the time of such vacancy the office of Alderman at Large is also vacant, then the Senior Ward Alderman shall become Mayor; to provide that in the event vacancies exist in five or more of the office of Mayor, Alderman at Large or Ward Alderman simultaneously, a special election shall be held within thirty days to fill all vacancies; and to provide that during the absence of the Mayor from the City the Alderman at Large shall act as Mayor and in the absence of both the Mayor and Alderman at Large from the City the Senior Ward Alderman shall act as Mayor.

"YES" received 215 227 228 319

"NO" received 83 84 29 17

**AMENDMENT NO. 2**

To amend the Charter of the City of Rochester by adding a Section 102.1 thereto authorizing the Common Council to codify the ordinances of the city and enact such code without publication in the official newspaper provided notice of adoption of the code is published and copies of the code are available for distribution at least one week before the effective date of the code; and authorizing subsequent ordinances duly passed and published to be incorporated in the code without further publication.

"YES" received 148 176 179 289

"NO" received 151 140 78 45

EXHIBIT "A-1"

THIRD WARD			FOURTH WARD			FIFTH WARD		SIXTH WARD			TOTAL
1	2	3	1	2	3	1	2	1	2	3	
257	296	224	193	132	66	346	239	260	212	312	3526
69	56	30	40	52	34	61	28	67	36	41	727
211	229	177	148	97	45	279	170	187	149	217	2701
121	123	79	88	89	61	141	95	134	97	141	1588



EXHIBIT "A-2"

FIRST WARD		SECOND WARD		THIRD WARD		
1	2	1	2	1	2	3

**AMENDMENT NO. 3**

To amend Section 275 of the Charter of the City of Rochester to except contracts of insurance from the definition of commodities and service which must be procured by advertisement and public bid.

"YES" received	175	177	177	291	221	238	185
"NO" received	126	129	80	42	110	116	73

FOURTH WARD			FIFTH WARD		SIXTH WARD			TOTAL
1	2	3	1	2	1	2	3	
157	107	48	283	184	190	168	249	2850
74	77	53	126	81	126	79	109	1406

STATE OF MINNESOTA

COUNTY OF OLUSTED

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 said resolution and of the whole thereof.

Witness my hand this 20th day of March, A.D. 1964.

Elfreda Reiter  
City Clerk of the City of  
Rochester, Minnesota

(Seal of the City of  
Rochester, Minnesota)

16800  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 23 1964  
Joseph R. Johnson  
Secretary of State