

STATE OF MINNESOTA )  
COUNTY OF HENNEPIN )  
CITY OF BROOKLYN CENTER )

I, the undersigned, being the duly qualified and acting Clerk of the City of Brooklyn Center, Minnesota, do hereby certify as follows:

1. That attached hereto is an exact and true copy of the Brooklyn Center City Charter adopted by referendum on November 8, 1966, by the voters of Brooklyn Center, by a 72% majority vote. A total of 5,562 votes were cast - 4,383 voted "yes", 1,179 voted "no"
2. That said Charter became effective thirty (30) days from and after its adoption by the voters (December 8, 1966).
3. That I have carefully compared the attached copy with the original thereof on file in my office and the same is full, true and complete copy thereof.

WITNESS, my hand as such Clerk and the corporate seal of the City of Brooklyn Center this 20th day of December 1966.

Earla Semors  
City Clerk  
City of Brooklyn Center, Minnesota

(Seal)

#18495  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
DEC 23 1966

James L. Benson  
Secretary of State

SEE  
OVERSIZED  
DOCUMENT(S)

18495

Section 12.01. Public Works Now Performed. Public works, including all street improvements, may be constructed, repaired, maintained, and maintained other directly by the labor or by contract. The City shall require contractors to give bonds for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the State.

**CHAPTER 3**  
**General Provisions**

Section 12.02. Power to Acquire Property. The City may acquire by purchase, gift, devise, or condemnation, any property, real or personal, incorporated or unincorporated, other than or without the corporate boundaries, which may be needed by the City for any public use or purpose. Eminent domain shall be exercised in accordance with the laws of the State.

Section 12.03. Proceedings in Acquiring Property. The necessity for the taking of any property by the City shall be determined by the Council and shall be declared by a resolution which shall describe such property clearly and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the City shall proceed according to the laws of the State, except as otherwise provided in this charter.

Section 12.04. Payment of Award. The City shall, within ninety (90) days after the final judgment thereon, pay any award of damages allowed pursuant to this section and State law whether by the commission or upon appeal.

Section 12.05. City May Share Proceeding. The City may share in or part of the property being acquired in a condemnation proceeding as long as the amount in final with the proper court prior to the expiration of the time for an appeal or before entry of judgment if an appeal has been taken. When the proceeding is discontinued, the City shall pay all reasonable costs and expenses incurred by the condemnor including attorney's fees.

Section 12.06. City Make Take Before Plant. If the City condemns a public utility which is operated at the time of the commencement of the condemnation proceedings as gas property or one system, it shall not be necessary in the condemnation proceedings or any of the proceedings of the Council to describe or list separately the different kinds of property comprising such system, but all of the property, lands, articles, fixtures, franchises, values, and rights which comprise such system may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commission or other body assessing the damages or condemnation. This does not prevent the City, when the plant and property are separable into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.

**CHAPTER 10**  
**Franchise**

Section 12.07. Franchise Required. The Council may grant to a person, firm, or corporation a franchise as a privilege to operate a public utility or service within the City, except as otherwise provided by law. No person, firm or corporation shall place or maintain any apparatus or installation of lines, or any pipe or underground street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The franchise shall bear the date of publication of the franchise ordinance and shall make a certified deposit with the Clerk to guarantee publication before the ordinance is passed.

Section 12.08. Term. No exclusive or perpetual franchise shall ever be granted. No franchise shall have a term exceeding twenty (20) years, and no franchise shall be renewed for a term exceeding twenty (20) years, unless the franchisee has exercised the option to extend the term of the franchise.

Section 12.09. Public Hearing. Before any franchise or privilege ordinance is adopted, amended, extended or renewed, the Council shall hold a public hearing upon the ordinance, which shall be held at least ten (10) days prior to the date of its adoption. The Council shall hold a public hearing upon the ordinance, which shall be held at least ten (10) days prior to the date of its adoption. The Council shall hold a public hearing upon the ordinance, which shall be held at least ten (10) days prior to the date of its adoption.

Section 12.10. Power of Eminent Domain. Subject to the applicable law, the Council shall hold and exercise the power to acquire, modify, regulate and control the exercise of any exclusive franchise or privilege, including the location, siting, use or price charged by the franchisee, whenever it appears necessary in the public interest as to do so. No franchise shall be included in the relation of the grantee's property in support of utility rates, fees or prices under any general circulation in the City or in any other proceeding for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 12.11. Renewal or Extension. Every extension, renewal or modification of any exclusive franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

**CHAPTER 11**  
**Public Ownership and Operation of Utilities**

Section 12.12. Acquisition and Operation of Utilities. The City may own and operate electric, gas, water, heat, sewer, light, telephone or other public utility for the purpose of providing service to the public. The City may acquire, construct, own, operate, maintain, extend, improve, or otherwise control any public utility for the purpose of providing service to the public. The City may acquire, construct, own, operate, maintain, extend, improve, or otherwise control any public utility for the purpose of providing service to the public.

Section 12.13. Rate and Finance. Upon recommendation made by the Director of Public Works or upon the same motion, the Council may fix the rates and prices for municipal utilities, but such rates, fees and prices shall be just and reasonable. The Council shall endeavor to make each municipal utility financially self-sustaining and shall not use any municipal utility proceeds directly or indirectly as a general revenue production agency for the City. Before any rate or price for municipal utility shall be fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 12.09. The Council shall prescribe the time and the manner in which payments for such utility services shall be made, and may make and enforce regulations as may be necessary, and prescribe penalties for violation of such regulations.

Section 12.14. Purchase in Bulk. The Council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may, before and after rates are fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 12.09.

Section 12.15. Lease of Plant. The Council may, if the public interest will be served thereby, enter into a lease with any responsible person, partnership or corporation for the operation of any utility owned by the City, upon such terms and conditions as it may deem necessary, but such contract shall be embodied in and filed only by an ordinance approved by the Council and subject to public referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) years.

Section 12.16. Public Utility. New Sold. No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full value of the property of said or other disposition are embodied in an ordinance approved by a majority of the members of the Council. The ordinance shall be subject to the same limitations and shall be subject to the same limitations and shall be subject to the same limitations.

Section 12.17. Notice of Public Hearing. Notice of public hearing required by this Charter shall be published at least once in the official newspaper of the City at least ten (10) days prior to the date of the hearing. Additional notice of such public hearing may be given in such manner as the Council may determine.

**CHAPTER 12**  
**Miscellaneous and Temporary Provisions**

Section 12.18. Official Publication. The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law to be published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

Section 12.19. Oath of Office. Every officer of the City shall, before entering upon the duties of his office, take and subscribe on oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this State and to discharge faithfully the duties devolving upon me as (Mayor, Councilman, City Manager, etc.) of the City of Brooklyn Center to the best of my judgment and ability."

Section 12.20. City Officers and Employees not to be Interested in Contracts. Except as otherwise permitted by law, no officer or employee of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in such contract or personally benefit therefrom.

Section 12.21. Official Seal. The City Manager, the City Clerk, the City Treasurer, and each other officer or employee of the City as may be provided for by ordinance shall have a seal upon the duties of his respective office as set forth in a separate statute, which shall be filed by the City Clerk as a security for the faithful performance of the official duties and the safeguarding of the public funds. Such seals may be either individual or blanket seals in the discretion of the Council. They shall be approved by the City Council, and approved as to form by the City Attorney, and filed with the City Clerk. The provisions of the laws of the State relating to official seals not inconsistent with this charter shall be complied with. The provision on such seals shall be paid by the City.

Section 12.22. Sale of Real Property. No real property of the City shall be disposed of except by ordinance. The proceeds of any sale of such property shall be used for or applied to either any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the Council may, by resolution designate some other public use for the proceeds.

Section 12.23. Vestment of Streets. The Council may, by ordinance approved by at least two-thirds (2/3) of the members of the Council, vest any street or alley or part thereof within the City, for such purpose, may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the Council may by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county office in accordance with law.

Section 12.24. City to Succeed to Right and

**Objections of Former Municipality.** The City of Brooklyn Center shall succeed to and exercise to have, hold, and enjoy all property, property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the Village of Brooklyn Center, and shall be subject to all liabilities which were imposed and which were not satisfied at the time of the incorporation of the City of Brooklyn Center. The municipal ledger books which have been established in the Village of Brooklyn Center shall continue and may be operated by the City in the same manner as before the adoption of this charter. Nothing in this charter shall be construed as affecting in any manner such ordinances or resolutions in any way the addition of new streets or relocation of existing streets, provided, however, that the proper discrepancy may be established by a majority vote of three electors voting on the question.

Section 12.25. Present Officers to Hold Office Till When. The present officers of the City shall continue in their respective offices and functions until their successors are chosen and qualify, and shall continue to govern the City in the usual manner. They shall make such financial and other provisions as will serve to carry on the government until a government has been set up under this charter.

Section 12.26. Statutes not Affected by Charter. All general laws and statutes of the State applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Brooklyn Center operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Brooklyn Center, and shall be construed as supplementary to the provisions of this charter.

Section 12.27. Existing Ordinances and Resolutions Continued. All ordinances, resolutions, and resolutions of the municipality in force when this charter takes effect, and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended or repealed.

Section 12.28. Pending Condemnation and Assessment. Any condemnation or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the municipality prior to the time when this charter takes effect shall be collected and the list thereof returned to the same manner as if this charter had not been adopted.

Section 12.29. Disposition of Files and Records. All files, forgeries, and records received for the holding of any ordinance shall be paid into the City Treasury. Every report or return relating such records, within ninety (90) days thereafter, shall make return thereof under oath and shall be verified to duplicate receipts for the amount paid. One of the receipts shall be filed with the City Clerk.

Section 12.30. Ordinance to Make Charter Effective. The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.

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STATE OF MINNESOTA  
COUNTY OF DEWEE  
DEC 2 1888  
J. W. Nelson  
Secretary of Board

Mr. Charles Nichols moved that the proposed charter for the City of Brooklyn Center as adopted by the Charter Commission duly appointed by the judges of the District Court for the Fourth Judicial District of the State of Minnesota be submitted to the Village Clerk of the Village of Brooklyn Center for submission to the electors as provided by law. Mrs. Virginia Tvesch seconded the motion and upon a vote being duly taken, the foregoing motion was unanimously adopted.

Mrs. Marie Erickson moved that the document attached hereto and entitled, "The City Charter of the City of Brooklyn Center, Minnesota," be adopted by this commission as the proposed City Charter for the City of Brooklyn Center, Minnesota to be submitted to the Village Clerk of the Village of Brooklyn Center pursuant to law. 19. Joseph Barnes seconded this motion and upon a vote being duly called for, the foregoing motion was unanimously adopted.

*Charles F. Nichols*  
*Marie Erickson*  
*Joseph A. Barnes*  
*John W. Nelson*  
*Robert J. Johnson*  
*Richard Stewart*  
*Regina C. Tvesch*  
*Franklin E. Erickson*  
*William H. Cornell*  
*Henry A. Hoff*  
*Wm. J. Nelson*  
*John W. Nelson*  
*Charles F. Nichols*

Mayday Hyde, Legal Counsel  
Mrs. Leroy Olson, Secretary to the Commission