

#1

TO WHOM IT MAY CONCERN:

The six 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. 1967.

Elfreda Renteria  
City Clerk of the City of  
Rochester, Minnesota

(Seal of the City of  
Rochester, Minnesota)

#18726

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

MAR 29 1967

Joseph A. Olson  
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 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Section 161 of the Charter of the City of Rochester be amended so as to read in its entirety as follows:

"Section 161. The fiscal year of the City shall be established by the Common Council by ordinance and may thereafter be changed in the same manner."

The effective date of this amendment shall be April 1, 1967.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Charter Commission thereof, pursuant to Minnesota Constitution, Article XI, Section 4, and Minnesota Statutes, Section 410.12, and is hereby delivered to the Clerk 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 2 day of February, A.D., nineteen hundred and sixty-seven.

CHARTER COMMISSION, City of Rochester

<u>Dwight A. Brown</u>	<u>Emuel Thuen</u>
<u>D. G. Leman</u>	<u>Walter E. Leman</u>
<u>Mr. Earl Cautchell</u>	<u>H. J. Moore</u>
<u>James E. Leman</u>	<u>Paul A. Leman</u>
<u>John S. Leman</u>	
<u>Margaret J. Spoo</u>	

STATE OF MINNESOTA  
DEPARTMENT OF STATE

FILED

MAR 29 1967

Joseph L. Olson  
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 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Sections 279 and 280 of the Charter of the City of Rochester be amended so as to read in their entirety as follows:

"Section 279. In advertising for bids, the Common Council or Board shall require the bidder to deliver his bid and a certified check, cashiers check or bidders bond payable to the City of Rochester for at least ten percent of the total of such bids, which amount thereof shall be forfeited to the City as liquidated damages, if the bidder, upon letting of the contract to him, shall fail to enter into the contract so let. All advertisements for bids shall reserve the right to reject any and all bids.

Section 280. At the time and place set in the advertisement for bids, the City Clerk <sup>or Board Secretary</sup> and two other City officials designated by the Common Council, or the Board, shall meet and publicly receive, open and read all bids that may be presented. Before any of said bids are opened they shall be numbered consecutively, and no further bids shall be received after any bid has been opened. No bids shall be considered when not accompanied by a certified check, cashiers check or bidders bond. The City Clerk or Board <sup>Secretary</sup> shall give all persons, who desire the same, an opportunity to inspect all bids when they are opened, but such bids shall remain in the custody and control of the City Clerk or Board <sup>Secretary</sup>."

The effective date of this amendment shall be April 1, 1967.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Charter Commission thereof, pursuant to Minnesota Constitution, Article XI, Section 4, and Minnesota Statutes, Section 410.12, and is hereby delivered to the Clerk 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 2 day of February, A.D., nineteen hundred and sixty-seven.

CHARTER COMMISSION, City of Rochester

<u>Donald J. Hume</u>	<u>Ernest Thiem</u>
<u>A. G. Leonard</u>	<u>W. J. C. Moore Jr.</u>
<u>Mr. Earl C. Buehler</u>	<u>Robert A. Hume</u>
<u>John S. Hume</u>	
<u>Margaret J. Spoor</u>	

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 29 1967

John L. Benson  
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 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Section 93 of the Charter of the City of Rochester be amended so as to read in its entirety as follows:

"Section 93. Every action taken by the Common Council fixing salaries and appropriating money for the payment thereof, every determination to issue bonds of the City or in any way to contract indebtedness, every provision for the sale of any real estate of the City, and every levy of taxes or special assessments, shall be by ordinance or resolution in writing."

The effective date of this amendment shall be April 1, 1967.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Charter Commission thereof, pursuant to Minnesota Constitution, Article XI, Section 4, and Minnesota Statutes, Section 410.12, and is hereby delivered to the Clerk 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 2 day of February, A.D., nineteen hundred and sixty-seven.

CHARTER COMMISSION, City of Rochester

<u>Rupert J. Jensen</u>	<u>Conrad L. Jensen</u>
<u>J. C. Jensen</u>	<u>Walter E. Jensen</u>
<u>Mrs. Earl C. Jensen</u>	<u>D. J. Moore Jr.</u>
<u>George Jensen</u>	<u>Paul A. Jensen</u>
<u>John S. Jensen</u>	
<u>Margaret G. Jensen</u>	

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**  
MAR 29 1967  
John S. Jensen  
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 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Chapter VI of the Charter of the City of Rochester entitled "THE CITY TREASURER AND CITY DEPOSITORIES" and consisting of Sections 47, 48, 49, 50, 51, 52, 53, and 54, together with Sections 113 and 130 be repealed in their entirety; and Sections 14, 109, 112, and 162 be amended so as to read in their entirety as follows:

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

"Section 109. The City Clerk shall keep the corporate seal and, except as otherwise provided in this charter, shall keep all papers and records of the City. He shall attend all official meetings of the Common Council and shall keep a record of the proceedings thereof. He shall perform all duties prescribed by law for the office of City Clerk and such other duties as may be assigned to him by the Common Council."

"Director of Finance

Section 112. The Director of Finance shall be the chief fiscal officer and treasurer of the City and shall maintain a completely integrated system of financial administration and accounting as may be required by applicable law, good accounting practices, and administrative directives and procedures issued by the Common Council. This authority and responsibility of the Director of Finance shall extend to the maintenance of the financial accounting records of all the departments and divisions of the City except the Department of Public Utilities; provided, however, that with respect to the Department of Public Utilities, the authority and responsibility of the Director of Finance shall extend to and the Common Council shall have the right to establish such accounting practices and procedures as are necessary to coordinate or integrate the accounting methods and procedures of the Department of Public Utilities into the financial and accounting system established for the city government generally."

"Section 162. Except as otherwise provided in this Charter, the Common Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies."

The effective date of this amendment shall be January 1, 1968.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Charter Commission thereof, pursuant to Minnesota Constitution, Article XI, Section 4, and Minnesota Statutes,

Section 410.12, and is hereby delivered to the Clerk 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 2 day of February, A.D., nineteen hundred and sixty-seven.

CHARTER COMMISSION, City of Rochester

<u><i>Donald J. Jensen</i></u>	<u><i>Emuel Threin</i></u>
<u><i>D. G. Jensen</i></u>	<u><i>W. J. Jensen</i></u>
<u><i>Mr. Earl Eastlund</i></u>	<u><i>A. J. Moore</i></u>
<u><i>James E. Jensen</i></u>	<u><i>Robert C. Jensen</i></u>
<u><i>John S. Jensen</i></u>	
<u><i>Margaret G. Jensen</i></u>	

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 29 1967

*James 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 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Sections 164 and 165; all of Chapter XII entitled "THE SINKING FUND" and consisting of Sections 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176 and 177; and all of Chapter XIII entitled "BONDS FOR LOCAL IMPROVEMENT" and consisting of Sections 178, 179, 180, 181, and 182 be repealed in their entirety; and that Section 163 be amended so as to read in its entirety as follows:

"Section 163. Funds to be kept. There shall be maintained in the City Treasury such funds as are required by the Constitution and Statutes of the State of Minnesota and by this Charter and such other funds as are established by the Common Council by ordinance or written resolution, as provided below:

Subd. 1. GENERAL FUND: The general fund is established for the payment of all general government expenses and obligations of the City as the Council may deem proper. Into this fund shall be paid all monies not otherwise provided herein or by statute or by ordinance to be paid into any other fund.

Subd. 2. UTILITY OR OTHER PUBLIC SERVICE ENTERPRISE FUNDS: One or more utility or other public service enterprise funds into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility or enterprise and all money derived from the sale of utility or other public enterprise services and from the sale of property acquired for or used in connection with any such utility or enterprise. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility or enterprise, including the principal of and interest upon obligations which have or shall be issued on its account.

Subd. 3. OTHER FUNDS: Such other funds as the Common Council deems necessary or advisable, including but not limited to: (1) one or more capital improvements funds; (2) one or more trust or agency funds for the care and disbursement of monies or other assets received and held by the City as trustee or custodian or in the capacity of an agent for individuals or other governmental units; (3) one or more working capital or revolving funds for financing self-sustaining activities not accounted for through other funds; and (4) one or more public improvement revolving or debt service funds.

Subd. 4. The Common Council may make interfund transfers and loans by written resolution except when prohibited by law and except from utility or public service enterprise funds, trust funds and agency funds.

All references throughout this Charter to specific funds, other than those funds required by statute to be maintained, shall be of no further force and effect upon the effective date of this amendment, except if such specific funds are re-established by action of the Common Council as required or permitted by this amendment."

The effective date of this amendment shall be July 1, 1967.



The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Charter Commission thereof, pursuant to Minnesota Constitution, Article XI, Section 4, and Minnesota Statutes, Section 410.12, and is hereby delivered to the Clerk 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 2 day of February, A.D., nineteen hundred and sixty-seven.

CHARTER COMMISSION, City of Rochester

Duquoin

J. G. Lemark

Mr. Earl Cutler

George J. [unclear]

John S. [unclear]

Margaret J. [unclear]

Ernest [unclear]

Victor [unclear]

H. J. [unclear]

Paul G. [unclear]

[unclear]

[unclear]

[unclear]

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**  
MAR 29 1967

Joseph L. [unclear]  
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 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Section 162 of the Charter of the City of Rochester be amended by adding thereto Subsections 162.1, 162.2 and 162.3 to read in their entirety as follows:

"162.1. Except as provided in Subsections 162.2 and 162.3, no obligations of the City of Rochester shall be issued to pay current expenses, but the Common Council may issue and sell obligations for any other municipal purpose in accordance with the procedures and within the limitations prescribed by state law.

162.2. At any time after the first day of the year following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total of all certificates issued against any fund for any year with interest thereon until maturity, together with all orders outstanding against the fund, shall not exceed the total current taxes for the fund uncollected at the time of issuance plus the cash on hand in the fund. If certificates are issued against the anticipated tax levy for any fund, any unpaid orders outstanding against the fund shall be redeemed from the proceeds of the certificates. All tax anticipation certificates shall be negotiable and shall be payable to the order of the payee and shall have a definite due date but may be payable on or before that date. No certificate shall be issued to become due and payable later than the 1st day of July of the year following the year of issuance. Each certificate shall state upon its face the fund for which the proceeds of the certificate shall be used, the total amount of the certificates so issued against the fund, and the total amount embraced in the tax levy for that fund. They shall otherwise be issued on such terms and conditions as the council may determine. The proceeds of the taxes assessed on account of the fund against which tax-anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates in the order of issuance against the fund.

162.3. If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by resolution issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The resolution authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a majority of the Council."

The effective date of this amendment shall be April 1, 1967.

The foregoing proposed amendment to the Charter of the City of Rochester is hereby proposed to the people of said City by the Charter Commission thereof, pursuant to Minnesota Constitution, Article XI, Section 4, and Minnesota Statutes, Section 410.12, and is hereby delivered to the Clerk 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 2 day of February, A.D., nineteen hundred and sixty-seven.

CHARTER COMMISSION, City of Rochester

<u>Harold A. Hansen</u>	<u>Emmanuel Thoen</u>
<u>J. G. Lervad</u>	<u>Wm. J. Thoen</u>
<u>Wm. Earl Cantelero</u>	<u>Wm. J. Thoen</u>
<u>George J. Thoen</u>	<u>Wm. J. Thoen</u>
<u>John S. Thoen</u>	
<u>Margaret J. Sroog</u>	

STATE OF MINNESOTA  
DEPARTMENT OF STATE

FILED

MAR 29 1967

Joseph A. Thoen  
Secretary of State

#3

R E S O L U T I O N

BE IT RESOLVED by the Common Council of the City of Rochester, Minnesota:

That the attached sheet, marked "Exhibit "A" is a tabulated statement and list of the number of votes cast for each person at the Charter Election held March 14th, 1967, in the City of Rochester, Minnesota, as determined by said Common Council on the canvass of the said returns of said election made the 15th day of March, 1967, the said statement is hereby declared to show the results of said election.

Said tabulated list and statement is attached.

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

That Alex P. Smekta is hereby declared to be elected to the office of Mayor of the City of Rochester, at the Charter Election held March 14th, 1967, to hold office for two years and until his successor is elected and qualified;

That Archie M. Ackerman is hereby declared to be elected to the office of City Treasurer of the City of Rochester, at the Charter Election held March 14th, 1967, to hold office for one year and until his successor is elected and qualified;

That Willard H. Knapp is hereby declared to be elected to the office of Justice of the Peace styled "City Justice" of the City of Rochester, at the Charter Election held March 14th, 1967, to hold office for two years and until his successor is elected and qualified;

That William H. Perry is hereby declared to be elected to the office of Alderman of the First Ward of the City of Rochester, at the Charter Election held March 14th, 1967, to hold office for two years and until his successor is elected and qualified;

That W. Wayne Ellison is hereby declared to be elected to the office of Alderman of the Third Ward of the City of Rochester, at the Charter Election held March 14th, 1967, to hold office for two years and until his successor is elected and qualified;

That Richard J. Postier is hereby declared to be elected to the office of Alderman of the Fourth Ward of the City of Rochester, at the Charter Election held March 14th, 1967, to hold office for two years and until his successor is elected and qualified;

That Robert L. Larson is hereby declared to be elected to the office of Alderman of the Fifth Ward of the City of Rochester, at the Charter Election held March 14th, 1967, to hold office for two years and until his successor is elected and qualified.

#18726  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

MAR 29 1967

*Joseph L. Brown*  
Secretary of State

Be it further resolved that the total number of votes cast at said election on Amendment No. 1 was 6,809 of which 5,290 votes were in favor of its adoption. That the votes in favor of the amendment were more than the required 55% of the total votes cast thereon, and therefore the amendment was declared duly adopted.

Be it further resolved that the total number of votes cast at said election on Amendment No. 2 was 6,865 of which 5,227 votes were in favor of its adoption. That the votes in favor of the amendment were more than the required 55% of the total votes cast thereon, and therefore the amendment was declared duly adopted.

Be it further resolved that the total number of votes cast at said election on Amendment No. 3 was 6,761 of which 4,740 votes were in favor of its adoption. That the votes in favor of the amendment were more than the required 55% of the total votes cast thereon, and therefore the amendment was declared duly adopted.

Be it further resolved that the total number of votes cast at said election on Amendment No. 4 was 6,678 of which 4,508 votes were in favor of its adoption. That the votes in favor of the amendment were more than the required 55% of the total votes cast thereon, and therefore the amendment was declared duly adopted.

Be it further resolved that the total number of votes cast at said election on Amendment No. 5 was 6,639 of which 4,488 votes were in favor of its adoption. That the votes in favor of the amendment were more than the required 55% of the total votes cast thereon, and therefore the amendment was declared duly adopted.

Be it further resolved that the total number of votes cast at said election on Amendment No. 6 was 6,602 of which 4,592 votes were in favor of its adoption. That the votes in favor of the amendment were more than the required 55% of the total votes cast thereon, and therefore the amendment was declared duly adopted.

Passed and adopted by the Common Council of the City of Rochester, Minnesota, at a meeting thereof held this 15th day of March, A.D. 1967.

Harold LeChie  
President of said Common Council

Attest: Elfrieda Renter  
City Clerk

Approved this \_\_\_\_\_ day of March, A.D. 1967.

W. P. Sample  
Mayor of said City

(Seal of the City of  
Rochester, Minnesota)

EXHIBIT "A"

NAME AND OFFICE	FIRST WARD		SECOND WARD		THIRD WARD		
	1	2	1	2	1	2	3

MAYOR

Robert S. Martin	228	426	239	213	233	276	130
Alex P. Smekta	259	418	441	440	313	383	193

CITY TREASURER

Archie M. Ackerman	400	673	556	545	425	550	280
Majel Hall	1						

JUSTICE OF THE PEACE  
styled  
"City Justice"

Willard H. Knapp	234	447	337	293	283	335	139
Mrs. Roger (Mary) Remington	235	361	312	339	233	296	175

ALDERMAN - FIRST WARD

Vernon V. Nelson	168	267					
William H. Perry	315	564					

ALDERMAN - THIRD WARD

W. Wayne Ellison					296	323	175
Paul J. Ludowese					223	303	142

ALDERMAN - FOURTH WARD

Richard J. Postier							
James R. Powers							

ALDERMAN - FIFTH WARD

Robert L. Larson							
Larry McCaleb							

FOURTH WARD		FIFTH WARD			SIXTH WARD		TOTAL
1	2	1	2	3	1	2	
355	441	218	274	243	127	180	3,583
283	499	159	410	593	159	319	4,869
482	723	284	576	715	250	448	6,907
							1
343	481	203	304	376	132	219	4,126
245	386	152	345	430	150	267	3,926
							435
							879
							794
							668
383	560						943
244	379						623
		150	376	470			996
		226	309	368			903

## EXHIBIT "A" (CONT)

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

AMENDMENT NO. 1

To amend Section 161 of the Charter of the City of Rochester to provide that the Common Council shall establish the Fiscal (Budgetary) Year for City Government.

"YES" received	299	450	447	458	312	446	237
"NO" received	106	206	103	84	90	122	38

AMENDMENT NO. 2

To amend Sections 279 and 280 of the Charter of the City of Rochester to authorize bidders on City contracts to use bidder's Bonds or Cashier's Checks in addition to Certified Checks to qualify their bids; and to provide a procedure for opening contract bids prior to the meeting of the Common Council or Board at which the bids are to be considered.

"YES" received	287	452	439	450	309	441	227
"NO" received	123	197	122	97	97	136	49

AMENDMENT NO. 3

To amend Section 93 of the Charter of the City of Rochester to redefine those actions of the Common Council which must be taken by ordinance or resolution in writing, and to eliminate the requirement that every contract, purchase or appropriation involving Two Hundred Dollars or more be by Ordinance or Resolution in writing.

"YES" received	254	397	402	422	290	391	217
"NO" received	150	241	145	121	112	176	60



b.)

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

287	524	148	434	654	206	383	5,285
148	176	116	108	101	52	69	1,519

294	520	168	444	626	201	369	5,227
151	178	108	108	133	54	85	1,638

252	503	146	393	572	160	341	4,740
182	185	128	147	173	90	111	2,021

## EXHIBIT "A" (CONT.)

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

AMENDMENT NO. 4

To Repeal Chapter VI and Sections 113 and 130 and to Amend Sections 14, 109, 112 and 162 of the Charter of the City of Rochester, to accomplish the following: (1) To establish the position of Director of Finance as the Chief Fiscal Officer and Treasurer of the City with general responsibility for and supervision over Fiscal Affairs of all Departments of the City except Department of Public Utilities; (2) To require the Common Council to provide for the collection of revenues, auditing and settlement of accounts, and safekeeping and disbursements of public monies; (3) To eliminate the City Treasurer as an elective officer of the City; (4) To repeal the provisions of the Charter pertaining to City Depositories; and (5) To redefine the duties of the City Clerk so as to eliminate those duties related to Fiscal Affairs and Fiscal Records of the City.

"YES" received	240	372	408	409	263	374	208	235	443
"NO" received	159	274	141	126	130	180	64	181	235

AMENDMENT NO. 5

To repeal Sections 164 and 165, all of Chapter XII and all of Chapter XIII, and to amend Section 163 of the Charter of the City of Rochester to accomplish the following: (1) To revise completely the Fiscal Structure of City Government with respect to funds by eliminating the seventeen separate funds presently established and substituting therefor a General Fund, one or more Utility or Public Service Enterprise Funds and such other funds as the Common Council may establish; (2) To eliminate the tax levy mill limitations on City Funds; (3) To provide for Interfund Transfers except where prohibited by Law and except from Utility, Trust and Agency Funds; and (4) To eliminate the present provisions of the Charter with respect to the Sinking Fund and with respect to Bonds for local improvements.

"YES" received	236	387	396	406	273	369	205	238	438
"NO" received	155	253	149	125	122	178	64	184	236

FIFTH WARD			SIXTH WARD		TOTAL
1	2	3	1	2	

131	381	547	157	340	4,508
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140	145	193	91	111	2,170
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124	375	554	151	336	4,488
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145	143	182	97	118	2,151
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## EXHIBIT "A" (CONT.)

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

AMENDMENT NO. 6

To amend Section 162 of the Charter of the City of Rochester by adding thereto Sections 162.1, 162.2, and 162.3 to accomplish the following:

(1) To authorize the Common Council to issue and sell obligations of the City for any Municipal purpose in accordance with procedures and within limitations of State Law; (2) To authorize the issuance of Certificates of Indebtedness in anticipation of the collection of taxes; and (3) To authorize the issuance of Emergency Debt Certificates to meet extraordinary expenditures due to unforeseen causes, such as calamities or other public emergencies.

"YES" received	258	383	400	426	277	367	205	248	443
"NO" received	139	254	139	109	118	174	60	170	221

FIFTH WARD			SIXTH WARD		TOTAL
1	2	3	1	2	

126	369	572	165	354	4,592
136	147	158	85	100	2,010

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
**FILED**  
MAR 29 1967

*Joseph A. Johnson*  
Secretary of State

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

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

Witness my hand this 20th day of March, A. D. 1967.

Elfreda Reiter  
City Clerk of the City of  
Rochester, Minnesota

(Seal of the City of  
Rochester, Minnesota)

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 29 1967

Joseph L. Donovan  
Secretary of State

#2

RESOLUTION

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

AND WHEREAS, one of said amendments, hereby designated by the Common Council as Proposed Amendment No. 1, proposes to amend Section 161 of said Charter; another of said amendments, hereby designated by the Common Council as Proposed Amendment No. 2, proposes to amend Sections 279 and 280 of said Charter; another of said amendments, hereby designated by the Common Council as Proposed Amendment No. 3, proposes to amend Section 93 of said Charter; another of said amendments, hereby designated by the Common Council as Proposed Amendment No. 4, proposes to repeal Chapter VI and Sections 113 and 130 and to amend Sections 14, 109, 112 and 162 of said Charter; another of said amendments, hereby designated by the Common Council as Proposed Amendment No. 5, proposes to repeal Sections 164 and 165, all of Chapter XII and all of Chapter XIII, and to amend Section 163 of said Charter; and the last of said amendments, hereby designated by the Common Council as Proposed Amendment No. 6, proposes to amend Section 162 of said Charter by adding thereto Sections 162.1, 162.2 and 162.3.

NOW THEREFORE, be it resolved by the Common Council of the City of Rochester:

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

#18726  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 29 1967

*Joseph A. Lonsman*  
Secretary of State



Proposed Amendment No. 1

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Section 161 of the Charter of the City of Rochester be amended so as to read in its entirety as follows:

"Section 161. The fiscal year of the City shall be established by the Common Council by ordinance and may thereafter be changed in the same manner."

The effective date of this amendment shall be April 1, 1967.

Proposed Amendment No. 2

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Sections 279 and 280 of the Charter of the City of Rochester be amended so as to read in their entirety as follows:

"Section 279. In advertising for bids, the Common Council or Board shall require the bidder to deliver his bid and a certified check, cashiers check or bidders bond payable to the City of Rochester for at least ten percent of the total of such bids, which amount thereof shall be forfeited to the City as liquidated damages, if the bidder, upon letting of the contract to him, shall fail to enter into the contract so let. All advertisements for bids shall reserve the right to reject any and all bids.

Section 280. At the time and place set in the advertisement for bids, the City Clerk or Board Secretary and two other City officials designated by the Common Council, or the Board, shall meet and publicly receive, open and read all bids that may be presented. Before any of said bids are opened they shall be numbered consecutively, and no further bids shall be received after any bid has been opened. No bids shall be considered when not accompanied by a certified check, cashiers check or bidders bond. The City Clerk or Board Secretary shall give all persons, who desire the same, an opportunity to inspect all bids when they are opened, but such bids shall remain in the custody and control of the City Clerk or Board Secretary."

The effective date of this amendment shall be April 1, 1967.

Proposed Amendment No. 3

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Section 93 of the Charter of the City of Rochester be amended so as to read in its entirety as follows:

"Section 93. Every action taken by the Common Council fixing salaries and appropriating money for the payment thereof, every

determination to issue bonds of the City or in any way to contract indebtedness, every provision for the sale of any real estate of the City, and every levy of taxes or special assessments, shall be by ordinance or resolution in writing."

The effective date of this amendment shall be April 1, 1967.

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Proposed Amendment No. 4

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Chapter VI of the Charter of the City of Rochester entitled "THE CITY TREASURER AND CITY DEPOSITORIES" and consisting of Sections 47, 48, 49, 50, 51, 52, 53, and 54, together with Sections 113 and 130 be repealed in their entirety; and Sections 14, 109, 112, and 162 be amended so as to read in their entirety as follows:

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

"Section 109. The City Clerk shall keep the corporate seal and, except as otherwise provided in this charter, shall keep all papers and records of the City. He shall attend all official meetings of the Common Council and shall keep a record of the proceedings thereof. He shall perform all duties prescribed by law for the office of City Clerk and such other duties as may be assigned to him by the Common Council."

"Director of Finance

Section 112. The Director of Finance shall be the chief fiscal officer and treasurer of the City and shall maintain a completely integrated system of financial administration and accounting as may be required by applicable law, good accounting practices, and administrative directives and procedures issued by the Common Council. This authority and responsibility of the Director of Finance shall extend to the maintenance of the financial accounting records of all the departments and divisions of the City except the Department of Public Utilities; provided, however, that with respect to the Department of Public Utilities, the authority and responsibility of the Director of Finance shall extend to and the Common Council shall have the right to establish such accounting practices and procedures as are necessary to coordinate or integrate the accounting methods and procedures of the Department of Public Utilities into the financial and accounting system established for the city government generally."

"Section 162. Except as otherwise provided in this Charter, the Common Council shall have full authority over the financial affairs of

the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies."

The effective date of this amendment shall be January 1, 1968.

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Proposed Amendment No. 5

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Sections 164 and 165; all of Chapter XII entitled "THE SINKING FUND" and consisting of Sections 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176 and 177; and all of Chapter XIII entitled "BONDS FOR LOCAL IMPROVEMENT" and consisting of Sections 178, 179, 180, 181, and 182 be repealed in their entirety; and that Section 163 be amended so as to read in its entirety as follows:

"Section 163. Funds to be kept. There shall be maintained in the City Treasury such funds as are required by the Constitution and Statutes of the State of Minnesota and by this Charter and such other funds as are established by the Common Council by ordinance or written resolution, as provided below:

Subd. 1. GENERAL FUND: The general fund is established for the payment of all general government expenses and obligations of the City as the Council may deem proper. Into this fund shall be paid all monies not otherwise provided herein or by statute or by ordinance to be paid into any other fund.

Subd. 2. UTILITY OR OTHER PUBLIC SERVICE ENTERPRISE FUNDS: One or more utility or other public service enterprise funds into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility or enterprise and all money derived from the sale of utility or other public enterprise services and from the sale of property acquired for or used in connection with any such utility or enterprise. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility or enterprise, including the principal and interest upon obligations which have or shall be issued on its account.

Subd. 3. OTHER FUNDS: Such other funds as the Common Council deems necessary or advisable, including but not limited to: (1) one or more capital improvements funds; (2) one or more trust or agency funds for the care and disbursement of monies or other assets received and held by the City as trustee or custodian or in the capacity of an agent for individuals or other governmental units; (3) one or more working capital or revolving funds for financing self-sustaining activities not accounted for through other funds; and (4) one or more public improvement revolving or debt service funds.

Subd. 4. The Common Council may make interfund transfers and loans by written resolution except when prohibited by law and except from utility or public service enterprise funds, trust funds and agency funds.

All references throughout this Charter to specific funds, other than those funds required by statute to be maintained, shall be of no further force and effect upon the effective date of this amendment, except if such specific funds are re-established by action of the Common Council as required or permitted by this amendment."

The effective date of this amendment shall be July 1, 1967.

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#### Proposed Amendment No. 6

The Charter of the City of Rochester, adopted pursuant to Minnesota Constitution, Article 4, Section 36, and Minnesota Laws, 1903, Chapter 238, and ratified August 22, 1904, as amended, be further amended as follows:

That Section 162 of the Charter of the City of Rochester be amended by adding thereto Subsections 162.1, 162.2 and 162.3 to read in their entirety as follows:

"162.1. Except as provided in Subsections 162.2 and 162.3, no obligations of the City of Rochester shall be issued to pay current expenses, but the Common Council may issue and sell obligations for any other municipal purpose in accordance with the procedures and within the limitations prescribed by state law.

162.2 At any time after the first day of the year following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total of all certificates issued against any fund for any year with interest thereon until maturity, together with all orders outstanding against the fund, shall not exceed the total current taxes for the fund uncollected at the time of issuance plus the cash on hand in the fund. If certificates are issued against the anticipated tax levy for any fund, any unpaid orders outstanding against the fund shall be redeemed from the proceeds of the certificates. All tax anticipation certificates shall be negotiable and shall be payable to the order of the payee and shall have a definite due date but may be payable on or before that date. No certificate shall be issued to become due and payable later than the 1st day of July of the year following the year of issuance. Each certificate shall state upon its face the fund for which the proceeds of the certificate shall be used, the total amount of the certificates so issued against the fund, and the total amount embraced in the tax levy for that fund. They shall otherwise be issued on such terms and conditions as the council may determine. The proceeds of the taxes assessed on account of the fund against which tax-anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates in the order of issuance against the fund.

162.3. If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by resolution issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The resolution authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a majority of the Council."

The effective date of this amendment shall be April 1, 1967.

(2) BE IT FURTHER RESOLVED that the six proposed amendments as set forth above be submitted to the qualified voters of the City of Rochester for their adoption or rejection at the general "Charter Election" to be held in the several election districts in the City of Rochester on Tuesday, March 14, 1967, between the hours of 7:00 o'clock A.M. and 7:00 o'clock P.M.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause said proposed amendments to be published in their entirety once a week for two consecutive weeks in the official newspaper of the City, the Rochester Post-Bulletin in the City of Rochester, Minnesota, and is further directed to give such other notice of the submission of said proposed amendments to the qualified voters as is required by law.

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

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PROPOSED AMENDMENT NO. 1

YES	TO AMEND SECTION 161 OF THE CHARTER OF THE CITY OF ROCHESTER
	TO PROVIDE THAT THE COMMON COUNCIL SHALL ESTABLISH THE
NO	FISCAL (BUDGETARY) YEAR FOR CITY GOVERNMENT.

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PROPOSED AMENDMENT NO. 2

YES	TO AMEND SECTIONS 279 AND 280 OF THE CHARTER OF THE CITY OF ROCHESTER TO AUTHORIZE BIDDERS ON CITY CONTRACTS TO USE BIDDER'S BONDS OR CASHIER'S CHECKS IN ADDITION TO CERTIFIED CHECKS TO QUALIFY THEIR BIDS; AND TO PROVIDE A PROCEDURE FOR OPENING CONTRACT BIDS PRIOR TO THE MEETING OF THE COMMON COUNCIL OR BOARD AT WHICH THE BIDS ARE TO BE CONSIDERED.
NO	

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PROPOSED AMENDMENT NO. 3

YES	TO AMEND SECTION 93 OF THE CHARTER OF THE CITY OF ROCHESTER TO REDEFINE THOSE ACTIONS OF THE COMMON COUNCIL WHICH MUST BE TAKEN BY ORDINANCE OR RESOLUTION IN WRITING, AND TO ELIMINATE THE REQUIREMENT THAT EVERY CONTRACT, PURCHASE OR APPROPRIATION INVOLVING TWO HUNDRED DOLLARS OR MORE BE BY ORDINANCE OR RESOLUTION IN WRITING.
NO	

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PROPOSED AMENDMENT NO. 4

YES TO REPEAL CHAPTER VI AND SECTIONS 113 AND 130 AND TO AMEND SECTIONS 14, 109, 112 AND 162 OF THE CHARTER OF THE CITY OF ROCHESTER, TO ACCOMPLISH THE FOLLOWING: (1) TO ESTABLISH THE POSITION OF DIRECTOR OF FINANCE AS THE CHIEF FISCAL OFFICER AND TREASURER OF THE CITY WITH GENERAL RESPONSIBILITY FOR AND SUPERVISION OVER FISCAL AFFAIRS OF ALL DEPARTMENTS OF THE CITY EXCEPT DEPARTMENT OF PUBLIC UTILITIES; (2) TO REQUIRE THE COMMON COUNCIL TO PROVIDE FOR THE COLLECTION OF REVENUES, AUDITING AND SETTLEMENT OF ACCOUNTS, AND SAFEKEEPING AND DISBURSEMENTS OF PUBLIC MONIES; (3) TO ELIMINATE THE CITY TREASURER AS AN ELECTIVE OFFICER OF THE CITY; (4) TO REPEAL THE PROVISIONS OF THE CHARTER PERTAINING TO CITY DEPOSITORIES; AND (5) TO REDEFINE THE DUTIES OF THE CITY CLERK SO AS TO ELIMINATE THOSE DUTIES RELATED TO FISCAL AFFAIRS AND FISCAL RECORDS OF THE CITY.

NO

PROPOSED AMENDMENT NO. 5

YES TO REPEAL SECTIONS 164 AND 165, ALL OF CHAPTER XII AND ALL OF CHAPTER XIII, AND TO AMEND SECTION 163 OF THE CHARTER OF THE CITY OF ROCHESTER TO ACCOMPLISH THE FOLLOWING: (1) TO REVISE COMPLETELY THE FISCAL STRUCTURE OF CITY GOVERNMENT WITH RESPECT TO FUNDS BY ELIMINATING THE SEVENTEEN SEPARATE FUNDS PRESENTLY ESTABLISHED AND SUBSTITUTING THEREFOR A GENERAL FUND, ONE OR MORE UTILITY OR PUBLIC SERVICE ENTERPRISE FUNDS AND SUCH OTHER FUNDS AS THE COMMON COUNCIL MAY ESTABLISH; (2) TO ELIMINATE THE TAX LEVY MILL LIMITATIONS ON CITY FUNDS; (3) TO PROVIDE FOR INTERFUND TRANSFERS EXCEPT WHERE PROHIBITED BY LAW AND EXCEPT FROM UTILITY, TRUST AND AGENCY FUNDS; AND (4) TO ELIMINATE THE PRESENT PROVISIONS OF THE CHARTER WITH RESPECT TO THE SINKING FUND AND WITH RESPECT TO BONDS FOR LOCAL IMPROVEMENTS.

NO

PROPOSED AMENDMENT NO. 6

YES TO AMEND SECTION 162 OF THE CHARTER OF THE CITY OF ROCHESTER BY ADDING THERETO SECTIONS 162.1, 162.2 AND 162.3 TO ACCOMPLISH THE FOLLOWING: (1) TO AUTHORIZE THE COMMON COUNCIL TO ISSUE AND SELL OBLIGATIONS OF THE CITY FOR ANY MUNICIPAL PURPOSE IN ACCORDANCE WITH PROCEDURES AND WITHIN LIMITATIONS OF STATE LAW; (2) TO AUTHORIZE THE ISSUANCE OF CERTIFICATES OF INDEBTEDNESS IN ANTICIPATION OF THE COLLECTION OF TAXES; AND (3) TO AUTHORIZE THE ISSUANCE OF EMERGENCY DEBT CERTIFICATES TO MEET EXTRAORDINARY EXPENDITURES DUE TO UNFORESEEN CAUSES, SUCH AS CALAMITIES OR OTHER PUBLIC EMERGENCIES.

NO



Passed and adopted by the Common Council of the City of Rochester,  
Minnesota, this 20th day of February, 1967.

*W. J. Sullivan*  
President of said Common Council

Attest:

*Elfrieda Renter*  
City Clerk

Approved this 21 day of February, 1967.

(Seal of the City of  
Rochester, Minnesota)

*Alvin P. Lunkka*  
Mayor of said City.

STATE OF MINNESOTA  
DEPARTMENT OF STATE

FILED

MAR 29 1967

*Joseph A. Donovan*  
Secretary of State



State of Minnesota,

County of Olmsted,

City of Rochester, SS

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

Witness my hand this 20th day of March, A. D. 1967.

Elfreda Reiter  
City Clerk of the City of  
Rochester, Minnesota

(Seal of the City of  
Rochester, Minnesota)

18726  
STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED  
MAR 29 1967  
*James L. Brown*  
Secretary of State