# CITY OF HUTCHINSON Minnesota 55350 OFFICES AT 37 WASHINGTON AVENUE WEST July 17, 1967 Secretary of State State Capitol St. Paul, Minnesota 55101 Register of Deeds McLeod County Glencoe, Minnesota Gentlemen: The voters of the City of Hutchinson have now adopted a new City Charter, which we desire to register in your offices. We are enclosing the following materials: 1. Certified copy of Resolution Calling for Election, etc. 2. Certified copy of Canvass of Election Returns. 3. Certified Official Copy of the Charter as proposed by the Hutchinson Charter Commission and adopted by the voters of the City at a Special Election held on July 11, 1967, in accordance with Resolution No. 2571. It is our understanding that filing these papers in the office of the Secretary of State and in the office of the McLeod County Register of Deeds will allow the Charter to go into effect on August 10, 1967, as provided in Chapter I, Section 1.03 (page 1.) Yours very truly, CITY\_OF HUTCHINSON (Mrs.) Agnes I. Monge enc. 3 City Clerk #19084 STATE OF MINNESOTA DEPARTMENT OF STATE FILED JUL 19 1967 Secretary of State

CITY OF HUTCHINSON

Minnesota 55350

OFFICES AT 37 WASHINGTON AVENUE WEST

July 17, 1967

State of Minnesota )
County of McLeod )
City of Hutchinson )

I, the undersigned, being the duly qualified and acting City Clerk of the City of Hutchinson, do hereby certify that I have carefully compared the attached copy of Resolution No. 2571 (Resolution Calling Election on the Proposed New City Charter, Providing for Holding Said Election, and Directing Notice of Election) with the original on file in my office, and the same is a full true and complete copy thereof, as adopted by the City Council on May 22, 1967.

WITNESS my hand officially as such Clerk and the Corporate Seal of the City this 17th day of July, 1967.

Mrs.) Agnes I. Monge City Clerk

Hutchinson, Minnesota

SEAL

#19084

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 1 9 1967

Secretary of State

# RESOLUTION NO. 2571

RESOLUTION CALLING ELECTION ON THE PROPOSED NEW CITY CHARTER, PROVIDING FOR HOLDING SAID ELECTION, AND DIRECTING NOTICE OF ELECTION

WHEREAS, the Hutchinson Charter Commission has presented to the Mayor and City Council three signed copies of the Proposed New Charter for the City of Hutchinson, Minnesota, and

WHEREAS, the Hutchinson Charter Commission has requested the City Council that a Special Election be held for the purpose of submitting to the legal voters of the City such Proposed New Charter,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HUTCHINSON, MINNESOTA:

- 1. A special election is hereby called to be held on Tuesday, the 11th day of July, 1967, for the purpose of submitting to the voters of the city the question as set forth in the ballot stated in section 2.
- 2. The city shall cause printed blue colored ballots to be prepared and distributed, which shall set forth the proposition to be be voted in substantially the following form:

OFFICIAL BALLOT SPECIAL ELECTION

CITY OF HUTCHINSON, MINNESOTA

Tuesday, July 11, 1967 2:00 P.M. to 9:00 P.M.



INSTRUCTIONS TO VOTERS: If you wish to vote in favor of the Proposed New City Charter, put a cross mark (X) in the square opposite the word YES.

If you wish to vote against the Proposed New City Charter, put a cross mark (X) in the square opposite the word NO.

"Shall the City of Hutchinson adopt the Proposed New Charter?"

YES		
NO		

- 3. The said election shall be conducted in accordance with the laws of the State of Minnesota. The polling place for all precincts shall be the Armory. The polls shall be opened at two o'clock P.M. and shall be closed at nine o'clock P.M.
- two weekly

  4. Notice of election shall be given by/publication in the official newspaper not less than two weeks prior to the election, and shall include the publication of the Proposed New City Charter in full, and by posting in three of the most public and conspicuous places in each precinct not less than ten days before the election. The sample ballot shall be published at least one week prior to the election and posted in the office of the city clerk.
- 5. The city council shall meet at the council chambers in said city on Wednesday, July 12, 1967, at 9:00 o'clock A.M. for the purpose of canvassing the vote and determining the results of said election and taking such further action as the council may deem suitable.

Alderman Hanson seconded the motion to adopt said resolution, and upon vote being taken the following voted in favor of Resolution No. 2571:

Alderman Linder

"ave"

Alderman Hanson "aye"

Alderman Johnson

"aye"

The following voted against this resolution: None dopted by the City Council this 22nd day of May, 1967.

GITY OF HUTCHINSON

Minnesota 55350

OFFICES AT 37 WASHINGTON AVENUE WEST

July 17, 1967

State of Minnesota )
County of McLeod )
City of Hutchinson )

I, the undersigned, being the duly qualified and actir
Clerk of the City of Hutchinson, do hereby certify that I has

I, the undersigned, being the duly qualified and acting City Clerk of the City of Hutchinson, do hereby certify that I have carefully compared the attached copy of the canvass of the returns of the Special Election held in the Armory, City of Hutchinson, County of McLeod, State of Minnesota, on the 11th day of July, 1967, with the original on file in my office, and the same is a full true and complete copy thereof, as adopted by the City Council on July 12, 1967.

WITNESS my hand officially as such Clerk and the Corporate Seal of the City this 17th day of July, 1967.

(Mrs.) Agnes I. Monge

City Clerk

Hutchinson, Minnesota

SEAL

#19084

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 19 1967

Secretary of State

A Special Council Meeting was called to order by Mayor Don O. Kost in the City Hall at the hour of 9:00 A.M. to canvass the votes of the Special Election held July 11, 1967.

Members present:

Alderman Linder and Johnson; Engineer Priebe

Members absent:

Aldermen Savage and Hanson

#19084

Total Number of Votes Cast:

First Precinct	46
Second Precinct	62
Third Precinct	113
Fourth Precinct	38
Fifth Precinct	54
Total votes cast	313

JUL 19 May

Election for City Charter:

"Shall the City of Hutchinson adopt the Proposed New City Charter?"

Votes cast:	First Second	Third Fourth	Fifth Total
Yes	31 38	94 19	37 219
No	15 24	19 19	17 94

The foregoing is a true and correct canvass of the returns of the Special Election held in the Armory, City of Hutchinson, County of McLeod, State of Minnesota, on the 11th day of July, 1967, from 2:00 P.M. to 9:00 P.M.

We, the undersigned Canvassing Board, as a result of said canvass, do find and certify that the foregoing City Charter did pass.

Canvassed by:

Mayor

Alderman

Alderman

Alderman

Alderman

Attest: Ugnes - J. Thorge

Mayo:

CITY OF HUTCHINSON

Minnesota 55350

OFFICES AT 97 WASHINGTON AVENUE WEST

July 17, 1967

State of Minnesota )
County of McLeod ) ss
City of Hutchinson )

I, the undersigned, being the duly qualified and acting City Clerk of the City of Hutchinson, do hereby certify that the attached is an Official Copy of the City Charter filed with the City Council on May 22, 1967, by the Hutchinson Charter Commission, and adopted by the voters of the City of Hutchinson at a Special Election held on Tuesday, July 11, 1967.

WITNESS my hand officially as such Clerk and the Corporate Seal of the City this 17th day of July, 1967.

(Mrs. Agnes I. Monge

City Clerk Hutchinson, Minnesota

SEAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 19 1967
Secretary of State

OFFICIAL COPY - NO. 1
-Filed with City Council May 22, 1967

Agres I. Thorge City Clark

PROPOSED

CHARTER REVISION

CITY OF

HUTCHINSON, MINNESOTA

MAY 1967

# 19084
STATE OF MINISTER
DEPRESENTE OF SERVICE
FILED
JUL 191967
JUL 191967

# CITY CHARTER

## CITY OF HUTCHINSON, MINNESOTA

Chapter 1



## Name and General Provisions

Section 1.01. Name and boundaries. The City of Hutchinson, in the County of McLeod and the State of Minnesota, shall upon the taking effect of this charter continue to be a municipal corporation under the name and style of the City of Hutchinson, with the same boundaries as now are or hereafter may be established.

Section 1.02. Powers of the City. The city shall have all the powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of this state and of the United States. It is the intention of this charter that every power which the people of the City of Hutchinson might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this charter shall be deemed to have been so conferred by the provisions of this section. This charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the generality of the powers herein sought to be conferred.

Section 1.03. Charter a public act. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after adoption by the voters.

Section 1.04. Succession to rights and obligations. The city shall succeed to all the property, rights and privileges and shall be subject to all the legal obligations of the city under the former charter.

Section 1.05. <u>Present officers</u>. The present officers of the city shall continue in their respective offices and function until the first business day in January following the first municipal election held after the adoption of this charter.

Section 1.06. 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 Hutchinson operating under home rule charters, and not inconsistent with the provisions of this charter shall apply to the City of Hutchinson and shall be construed as supplementary to the provisions of this charter.

Section 1.07. Existing ordinances continued. All ordinances and regulations of the city in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 1.08. Pending condemnations and assessments. 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 city prior to the time when this charter takes effect shall be collected and the lien thereof enforced in the same manner as if this charter had not been adopted.

Section 1.09. Ordinances 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.

1

# Administration of City Affairs

Section 2.01. Form of Government. The form of government established by this charter is the Commission plan. The council, consisting of the mayor and four aldermen elected at large, shall exercise the legislative power of the city and determine all matters of policy.

Section 2.02. <u>Departments</u>. Subject to the qualifications and restrictions herein otherwise provided, the executive and administrative powers of the City of Hutchinson are hereby distributed among and assigned to five departments as follows:

- 1. Department of Police and General Welfare.
- 2. Department of Accounts, Finances, Health and Sanitation.
- 3. Department of Public Building and Fire Protection.
- 4. Department of Waterworks and Sewers.
- 5. Department of Streets and Alleys.

The mayor shall be superintendent of the Department of Police and General Welfare, and the council shall, at its first regular meeting after the election of any of its members, designate by majority vote one alderman to be superintendent of accounts, finances, health and sanitation; one to be superintendent of Public buildings and fire protection; one to be superintendent of waterworks and sewers and one to be superintendent of streets and alleys. Such designation may be changed whenever it appears that the public service would be benefited thereby. No superintendent shall have any power to contract debt nor to bind the city or make any improvements in said city unless authorized by majority vote of the council.

Section 2.03. <u>Duties and Powers</u>. The council shall determine and assign the duties of the several departments subject to provisions herein and shall prescribe the powers and duties of appointive officers and employees.

Section 2.04. Elective Officers. The elective officers of the city shall be qualified voters of the City and shall consist of a mayor who shall serve for two years, four aldermen elected at large who shall serve for four years, and a municipal judge who shall serve for six years. The term of office of each elective officer shall begin the first business day of January following his election and shall continue until his successor is elected and qualified. The two candidates for alderman receiving the highest number of votes at the first regular municipal election held after the adoption of this charter shall serve for four years and the two candidates receiving the next highest number of votes shall serve for two years. Thereafter there shall be two aldermen elected in each odd-numbered year.

Section 2.05. Appointive Officers. The appointive officers of the city, not including members of boards or commissions established herein or by ordinance, shall be appointed by majority vote of the council, and shall consist of a city clerk-treasurer, who shall be known as the city clerk; chief of police, chief of the fire department, city assessor, city attorney, and such other officers as the council shall from time to time deem necessary for the proper function of the municipality.

Section 2.06. Mayor and Vice President. The mayor shall be the chief executive officer of the city and the presiding officer of the council. At its first regular meeting after each city election, the council shall choose a vice president who shall serve as president in the mayor's absence and as acting mayor in case of the mayor's disability or absence from the city, or in case of a vacancy in the office of mayor. The mayor shall have a vote as a member of the council. He shall exercise all powers and perform all duties conferred and imposed upon him by this charter, the ordinances of the city and the laws of the state.

He shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law. He shall study the operations of the city government and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. In time of public danger or emergency he may, with the consent of the council, take command of the police, maintain order and enforce the law.

Section 2.07. <u>Incompatible Offices</u>. No members of the council shall hold any other paid municipal office or employment under the city; and until after one year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid appointive office or employment under the city which office or employment was created or the emoluments of which were increased during his term as a councilman.

Section 2.08. Salaries. The salaries of the mayor and the aldermen shall be established by ordinance after a public hearing. The council shall fix salaries or wages of appointive officers and employees except those employed by boards or commissions. Compensation of the municipal judge shall be as prescribed by statute.

Section 2.09. Vacancies in the Council. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term.

Section 2.10. Removal. Elective officers may be removed from office in the manner and for the causes provided by statute and herein. Appointive officers and city employees other than those employed by city boards or commissions may be removed without cause upon the affirmative vote of a majority of the council, subject only to any civil service rules or procedures that may be provided. Employees of boards or commissions are subject to the rules and regulations set up by the board or commission concerned. Before any elective officer shall be removed, the charges against him shall be reduced to writing and filed with the clerk and a copy furnished the accused if he can be found within the city. Such accused elective officer shall be given a reasonable opportunity to be heard in person, and by counsel, to answer such charges and to present his defense thereto. Continued failure or refusal of any elective or appointive officer, employee or board or commission member to make or file reports required by this charter or the statutes shall be adequate cause for removal of such person.

Section 2.11. <u>Investigation of City Affairs</u>. The council and any officer or officers formally authorized by the council shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council may at any time provide for an examination or audit of any officer or department of the city government and it may cause to be made any survey or research study of any subject or municipal concern.

## Procedure of Council

Section 3.01. Council Meetings. On the first business day in Jaunary following a regular municipal election the council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet at such times each month as may be prescribed by ordinance and resolution. The mayor or any three members of the council may call special meetings of the council upon at least twelve hours notice to the members of the council. Such notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. All meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 3.02. Secretary of Council. The city clerk shall act as secretary of the council. He shall keep a journal of council proceedings and such other records and perform such other duties as this charter or the council may require. The council may choose such other officers and employees as may be necessary to serve at its meetings. The council may designate any other official or employee of the city (except a member of the council) to act as secretary of the council.

Section 3.03. Rules of Procedure and Quorom. The council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. Ordinances, Resolutions and Motions. Except as in this charter otherwise provided, all legislation shall be by ordinance. The aye and no vote on ordinances, resolutions and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter.

Section 3.05. <u>Procedure on Ordinances</u>. The enacting clause of all ordinances shall be in the words, "The City of Hutchinson does ordain." Every ordinance shall be presented in writing at a regular meeting, except that an emergency ordinance may be presented at a special meeting. No ordinance, except an emergency ordinance, shall be passed at the meeting at which it is introduced and at least seven days shall elapse between its introduction and final passage, which passage shall take place only at a regular or adjourned regular meeting.

Section 3.06. Emergency Ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto, and is adopted by a vote of at least four members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the city clerk and posted in three conspicuous places or until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 3.07. <u>Procedure on resolutions</u>. Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

Section 3.08. Signing and publication of ordinances and resolutions. Every ordinance or resolution passed by the council shall be signed by the mayor or by two other members, attested by the city clerk and filed and preserved by him. Every ordinance shall be published at least once in the official newspaper.

Section 3.09. When ordinances and resolutions take effect. A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed in it. Every other ordinance shall take effect upon publication or at such later date as is fixed therein. Every ordinance adopted by the voters of the city shall take effect immediately upon its adoption or at such later time as is fixed therein.

Section 3.10. Amendment and repeal of ordinances and resolutions. Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate new matter by underscoring and old matter to be omitted by enclosing it in brackets. In newspaper publication, the same indications of omitted and new matter shall be used except that italics or bold-faced type may be substituted for underscoring and omitted matter may be printed in capital letters with parentheses.

Section 3.11. Revision and codification of ordinances. By ordinance the city council may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the council at the office of the city clerk for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the city clerk is published in the official newspaper for at least two successive weeks.

## Nominations and Elections

Section 4.01. Regular Municipal Election. A regular municipal election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year commencing in 1967 at such place or places as the city council may designate. The city clerk shall give two weeks' published notice in the official newspaper of the election, stating the time and place thereof, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the election. The city clerk shall also post a copy of the notice in his office for public inspection. At least one week before the election the city clerk shall publish a sample ballot in the official newspaper and post a sample ballot in his office for public inspection.

Section 4.02. Special Elections. The council may by resolution order a special election and provide all means for holding it. At least two weeks' published notice of a special election shall be given in the official newspaper, and at least one week before the election the city clerk shall publish a sample ballot in the official newspaper and post a sample ballot in his office for public inspection.

Section 4.03. Candidates, Filing. There shall be no primary election. Not more than six weeks nor less than three weeks before the municipal election any person eligible and desiring to have his name placed on the official ballot as a candidate for an office to be voted for at the election shall file his affidavit of candidacy with the city clerk. The affidavit shall be substantially the same form as required of candidates for state offices. Upon payment of a filing fee of \$2 to the clerk, the clerk shall place the name of the candidate on the official ballot without partisan designation. The name of a candidate may also be placed upon the official ballot by a petition signed by five or more qualified electors of the City. The petition shall state the name of the proposed candidate and that he or she and all signers of said petition are qualified electors of the City, shall indicate the office for which the candidate's name is being proposed, shall bear the written consent of the proposed candidate and shall be accompanied by a filing fee of \$2. The city clerk shall give two weeks' published notice in the official newspaper of the filing period, stating the first day and the last day for filing, the date of the election and the offices to be filled. The city clerk shall also post a copy of the notice in his office for public inspection.

Section 4.04. Canvass of elections. The council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith issue a certificate of election to the candidate who receives the highest number of votes for each office. In case of a tie vote, the council shall determine the result by lot. The city clerk shall be the final custodian of the ballots.

Section 4.05. Procedure at elections. Subject to the provisions of this charter and applicable state laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided in this charter or in ordinance adopted pursuant thereto, the general laws of the state of Minnesota pertaining to elections shall apply to municipal elections.

# Initiative, referendum, and recall

Section 5.01. Powers reserved by the people. The people of Hutchinson reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when passed by the council to be referred to the electors for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall respectively.

Section 5.02. Expenditures by petitioners. No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$50.00 for stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section is a misdemeanor.

Section 5.03. <u>Further regulations</u>. The council may provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this charter, as it deems necessary.

## Initiative

Section 5.04. <u>Initiation of measures</u>. Any five electors may form themselves into a committee for the initiation of any ordinance except as provided in Section 5.01. Before circulating any petition they shall file a verified copy of their proposed ordinance 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 ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Section 5.05. Form of petition and of signature papers. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten per cent of the total number of votes cast at the last preceding regular municipal election. 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. Each signature paper shall be in substantially the following form:

#### <u>Initiative</u> petition

p	ropos	ing	an or	dinance to				(stati	ng the	purpose	of t	he ord	inanc	e)
а	сору	of	which	ordinance	is	hereto	attached.	This	ordina	ance is	spons	ored by	y the	
£	ollow:	ing	commi	ttee of el	ect	ors:								

		Name				Add	ress	3			
1.											 
2.											
3 ,											
4.											
5.	 		 								

The undersigned electors, understanding the terms and the nature of the ordinance hereto attached, petition the council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

	Name		Address	
1.		<u> </u>		
2.				
3.				

At the end of the list of signatures shall be appended the affidavit of the circulator mentioned above.

Section 5.06. Filing of petitions and action thereon. All the signature papers shall be filed in the office of the city clerk as one instrument. Within five days after the filing of the petition, the city clerk shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least ten per cent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the clerk shall file it in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the ordinance to the electors at the next regular or any special election at its option.

Section 5.07. Action of council on petition. When the petition is found to be sufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the council not later than 65 days after the date upon which it was submitted to the council by the city clerk. If the council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least 15% of the total number of voters voting at the last regular municipal election, the council shall call a special election upon the measure. Such special election shall be held not less than 30 nor more that 45 days from date of final action on the ordinance by the council or after the expiration of 65 days from the date of submission to the council when there has been no final action; but if a regular election is to occur within three months, the council may submit the ordinance at that election. If the council passes the proposed ordinance with amendments and at least 4/5 of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the city clerk within 10 days of the passage thereof by the council, the ordinance need not be submitted to the electors.

Section 5.08. <u>Initiative ballots</u>. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the electors voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the city. Any number of proposed ordinances

may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of electors voting on the questions shall prevail to the extent of the inconsistency.

Section 5.09. <u>Initiation of charter amendments</u>. Nothing in this charter shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this charter.

#### Referendum

Section 5.10. The referendum. If prior to the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to 15 per cent of the total vote at the last regular municipal election is filed with the city clerk requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote re-affirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.11. Referendum petitions. The requirements laid down in section 5.04 and 5.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

# Referendum petition

Address

proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

Name

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Section 5.12. Referendum ballots. The ballots used in any referendum election shall conform to the rules laid down in Section 5.08 of this charter for initiative ballots.

## Recal1

Section 5.13. The recall. Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words, and 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 previous to such certification.

Section 5.14. Recall petitions. The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every 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. Each signature paper shall be in substantially the following form:

# Recall petition

proposing the recall of recall is sought for the reasons set forth is specified by the following committee	
ment is sponsored by the following committee	Address
1 2. 3. 4. 5.	
The undersigned electors, understanding the officer herein sought to be recalled, desire	
that purpose.	
Name	Address
1.	
2. 3.	

At the end of the list of signatures shall be appended the affidavit of the circulator.

Section 5.15. Filing of petition. Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the petition within the next five days, and if he finds it irregular in any way, or finds that the number of signers is less than 25 per cent of the total number of electors who cast their votes at the last preceding regular municipal election, 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 finds the petition still insufficient or irregular, he shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

Section 5.16. Recall election. If the petition or amended petition is 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, by resolution, provide for the holding of a special recall election not less than 30 nor more than 45 days after such meeting, but if any other election is to occur within 60 days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 5.17. Procedure at recall election. The clerk shall include with the published notice of the election 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. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Section 5.18. Form of recall ballot. Unless the officer whose removal is sought resigns within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: be recalled?," the name of the office whose recall is sought being inserted in the blank, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of recalled"; but the officer whose recall is sought shall not himself be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possble, as the form in use at a regular municipal election.

# Purchases and Contracts

Section 6.01. <u>Purchases</u>. All contracts for the purchase of commodities or services or construction, in an amount exceeding \$2,500.00 except as hereafter set out, shall be made only as a result of a public call for bids as herein provided. Such items as professional services, real estate, patented or exclusively held materials, and all services or property needed for public uses for which the taking of competitive offers is impossible or impracticable are exempt from such bidding. The city may purchase realty on a contract for deed or personal property on a conditional sales contract.

Section 6.02. Procedure. In all cases where a public letting of a contract is required, complete and detailed written plans and specifications shall be prepared and filed with the City Clerk, the Utilities Commission Secretary or the Secretary of any board or commission authorized by ordinance to let such contract, as the case may be. The City Clerk or the Secretary concerned shall then advertise for bids by written notice published in the official newspaper of the City once each week for not less than two weeks, which notice shall provide that any and all bids may be rejected by the Council or other body concerned. Additional notice may be given in such other publication and form as may be deemed necessary. Each bidder shall be required to deliver with his bid a certified or cashier's check or a bidder's bond (secured by a corporate surety licensed to do business in the State of Minnesota) in an amount of at least five per cent (5%) of the total of his bid, to be forfeited as liquidated damages if the bidder shall fail to execute the contract if awarded to him. Bids received shall be publicly opened at such time and place as specified in the advertisement for bids. The contract shall be awarded to the lowest responsible bidder except that the Council, Board or Commission concerned may exercise a reasonable discretion as provided by law. Subject to the provisions of this chapter, the council may by ordinance adopt further regulations for taking of bids and letting of contracts.

Section 6.03. Emergency Procedure. In the event of emergency and when delay would cause great damage to the public interest or endanger the public safety, the Council or the Utilities Commission, as the case may be, may direct the making of necessary repairs or the performance of necessary work by day labor and secure machines and materials therefor in the open market without the necessity of call for bids.

Section 6.04. Contracts. Every person to whom a contract is awarded shall furnish a corporate surety bond (of a surety licensed to do business in the State of Minnesota) to guarantee the faithful performance of his contract. All contracts, bonds and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Clerk or by the President and Secretary of the board or commission authorized to enter into such agreement.

## Taxation and Finances

Section 7.01. Council to control finances. The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, settlement of accounts, and the safe-keeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses. It shall be the duty of the City Council to cause an audit of the city's books to be made at the end of the fiscal year, which said audit shall be made by a certified public accountant and which audit shall show the condition of the city's financial affairs and comprehend such items and information as are usually included in an audit, a condensed report of which said audit as prepared by the certified public accountant shall be published by the City Council in the official newspaper of said city within three (3) months after the end of the fiscal year.

Section 7.02. Fiscal years. The fiscal year of the city shall be April 1 through March 31.

Section 7.03. System of taxation. Subject to the state constitution, and except as forbidden by it or by state legislation, the council shall have full power to provide by ordinance for a system of Local taxation. In the taxation of real and personal property as such, the city shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

Section 7.04. Board of equalization. The council shall constitute a board of equalization to equalize assessment of property for taxation purposes according to law.

Section 7.05. Preparation of the annual budget. The mayor shall direct the preparation of estimates for the annual budget. The budget shall be by funds and shall include all the funds of the city, except the funds made up of proceeds of bond issues, utility funds, and special assessment funds, and may include any of such funds at the discretion of the council. The estimates of expenditures for each fund budgeted shall be arranged for each department or division of the city under the following heads: (1) ordinary expenses (for operation, maintenance, and repairs) (2) payment of principal and interest on bonds and other fixed charges: (3) capital outlays (for new construction, new equipment, and all improvements of a lasting character).

Ordinary expenses shall be sub-divided into: (a) salaries and wages, with a list of all salaried offices and positions, including the salary allowance and the number of persons holding each; (b) other expenses, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years and the current fiscal year, actual to date and estimated for the balance of the year. In addition to the estimates of expenditures, the budget shall include for each budgeted fund a statement of the revenues which have accrued for the past two completed fiscal years with the amount collected and the uncollected balances together with the same information, based in so far as necessary on estimates, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items: sums derived from (a) taxation, (b) fees, (c) fines, (d) interest, (e) miscellaneous, not including the foregoing (f) sales and rentals, (g) earnings of public utilities and other public service enterprises, (h) special assessments and (i) sales of bonds and other obligations. Such estimates shall be printed or typewritten and there shall be sufficient copies for

each member of the council, for the mayor, for the city clerk, and three, at least, to be posted in public places in the city. The estimates shall be submitted to the council at its first regular monthly meeting in September and shall be made public. The mayor may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years of operation under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the previous government of the city as may be feasible and pertinent.

Section 7.06. Passage of the budget. The budget shall be the principal item of business at the first regular meeting of the council in September and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The budget estimates shall be read in full and the mayor shall explain the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the ensuing fiscal year for the funds budgeted and shall be signed by the majority of the council when adopted. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purposes according to Section 7.05. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget not later than the first week of Ocotber by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the council deems necessary for purposes of budget control. The council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the county auditor in accordance with law not later than October 10. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other.

Section 7.07. Enforcement of the budget. It shall be the duty of the city council to enforce strictly the provisions of the budget. They shall not approve any order upon the city clerk for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure covered by the budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and incumbrances. No officer or employee of the city shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 7.08. Alternations in the budget. After the budget resolution has been adopted, the council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The budget may further be altered to provide for capital expenditures financed by bond and/or non tax sources. The council may at any time, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution, or be a vote of majority of its members, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

Section 7.09. Emergency Appropriation in budget. The council may include an emergency appropriation as a part of the budget but not to exceed 10% of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of a majority of the full council and shall be used only for the purposes designated by the council.

Section 7.10. Disbursements. How Made. No disbursement of city funds shall be made except such payment be authorized by vote of majority of all members of the city council and be made by check signed by the mayor and clerk, except as otherwise provided herein or by ordinance, and specifying the purposes for which the disbursement is made and the fund from which it is drawn. No such check shall be issued until there is money to the credit of the fund from which it is to be paid sufficient to pay it together with all outstanding encumbrances upon the fund. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet approved and signed by the responsible city officer who vouches for its correctness and reasonableness. The clerk shall note on each contract requiring the payment of money by the city the particular fund out of which it is to be paid. The council may by ordinance make further regulations for the safe-keeping and disbursement of the funds of the city.

# Section 7.11. Funds to be kept.

Subdivision 1. There shall be maintained in the city treasury the funds provided for in the following subdivisions.

Subdivision 2. A general fund for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund.

Subdivision 3. A public utility fund into which shall be paid all money derived from the sale of obligations issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility with the exception of such monies which come under the jurisdiction of the Hutchinson Utilities Commission as provided for elsewhere in this charter. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts within the public utility fund shall be kept for all utilities which are operated separately.

Subdivision 4. In addition to the foregoing funds, there may be maintained in the city treasury, whenever the council deems it advisable:

- (a) One or more working capital or revolving funds, for financing self-sustaining activities not accounted for through other funds;
- (b) Such other funds as may be required by statute or ordinance.

<u>Subdivision 5.</u> In lieu of establishing any of the types of funds specified in Subdivision 4, the council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The council shall have full power by ordinance or resolution to make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate from time to time.

Section 7.12. Accounts and reports. The city clerk shall be the chief accounting officer of the city and of every branch thereof, and the council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter, and the ordinances adopted in accord therewith. He shall submit to the council a statement each month showing the amount of money in the custody of the city clerk, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information about the finances of the city as the council may require. Once

each year on or before the last day of May the city clerk shall submit a report to the council covering the entire financial operations of the city for the past fiscal year. This report shall show: the actual receipts and expenditures, omitting duplications and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the city when due; the amount of new bonds issued and the amount redeemed, and the interest rate of each; the condition of all the annual budget allowances; and inventory of all the property owned by the city; and such further information as the city clerk deems advisable or the council requires.

Section 7.13. <u>City indebtedness</u>. No obligations shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by state law, no such obligations shall be issued and sold without the approval of the majority of the electors of the city voting on the question at a general or special election.

# Public Improvements and Special Assessments

Section 8.01. Power to make improvements and levy assessments. The city shall have the power to make any and every type of public improvement not forbidden by the laws of this state and to levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvement, including all costs and expenses connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property.

Section 8.02. <u>Assessments for services</u>. All proceedings for the construction and improvement to be paid for by special assessment against the benefitted property may be instituted by either of two methods as follows:

- (1) The procedures authorized by the laws of the State of Minnesota, or
- (2) The procedures established by the council by ordinance.

## Eminent domain

Section 9.01. <u>Power to acquire property</u>. The city may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the city for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, & conduits, for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Section 9.02. Citý may take entire plant. If the city condemns a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in the condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system; but all of the property, lands, articles, franchises, 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 commissioners or other body assessing the damages on 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.

## Franchises

Section 10.01. Franchises required. Except as otherwise provided by law, no persons, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any 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 grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

Section 10.02. Term. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the electors voting thereon.

Section 10.03. Public hearing. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten days prior to the date of the hearing.

Section 10.04. Power of regulation reserved. Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 10.05. Renewals or extensions. Every extension, renewal or modification of any existing 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.

# Public Ownership and Operation of Utilities

Section 11.01. Control and Management. The Hutchinson Utilities Commission of the City of Hutchinson shall have control and management of the Light Plant, the Light Plant distribution system, the Gas Plant and the Gas Distribution system in the City of Hutchinson.

Section 11.02. Appointment and Terms. The commission shall consist of three (3) persons, qualified voters of said City, who shall be appointed by the Council. A member shall be appointed every two (2) years for a term of 6 years, to fill the place of the member whose term has expired. The commissioners in office at the time of adoption of this charter shall continue to serve the term to which they were previously appointed. Commissioners shall qualify for their office by taking and subscribing to the oath of office required of members of the Council and filing the same with the City Clerk. They shall hold office until their successors are appointed and qualified and vacancies in office for any cause shall be filled for the balance of the term in which the vacancy occurs in the same manner as the original appointment is made. No member shall be appointed to more than two successive terms following the adoption of this charter. The members of the Commission shall receive compensation for their services as determined annually by the Council.

Section 11.03. Organization. The commission shall provide for its own organization and rules of procedure and annually shall elect a president and vice-president from among its members who shall perform the usual duties of those positions, under the direction of the commission. It shall also appoint a secretary who may or may not be a member of the commission. The City Clerk shall be the treasurer for the commission and all moneys coming in to the hands of the commission shall be paid over to that officer promptly. The clerk shall have the same responsibility for those moneys as any other funds of the City and shall deposit them in a separate Municipal Electric Plant fund and Natural Gas Division fund, keep a record of them, and pay them out only upon verified orders and upon warrants signed by the president and secretary of the commission.

Section 11.04. Powers of the Commission. The commission shall have full, absolute and exclusive control of and power over the City Light and Power Plant, the City Gas Plant, City Gas distribution system, and all parts, attachment and appurtenances thereto as well as all apparatus and material of every kind and description used or to be used in operating said plants. It may enter into contracts subject to the same limitations imposed on the city council, and may sue and be sued in its own name. It shall regulate the distribution, use and sale of light, power, and gas within and without the City limits, collect for services, and shall fix the rates for all such sales and services for public and private use, subject to right of the Council to veto any proposed charge and rate by a four-fifths vote but such veto power shall be exercised if at all within 30 days after said council shall have received notice of any proposed change in charge and rate, provided that in selling light, power, or gas outside of the City limits they shall be limited to a reasonable surplus produced in the regular operation of the plant unless the voters of the city approve a greater sale which would require the installation of additional generating equipment and the extension of distributing lines. The cost of extended service or installation thereof shall in no case create any general obligation upon the City. The commission shall have power and authority to extend, add to, change or modify the light and power system and the gas system, and to do any and all things it may deem necessary and proper for operation except as by this chapter otherwise restricted or qualified, and shall buy all materials, supplies and fuel in accordance with the charter provisions for purchases and contracts. It shall employ such competent help as may be necessary to properly operate the plant afore said, and pay these employees such compensation as the commission deems proper.

The commission shall not have power to sell, lease, rent or in any way dispose of or encumber or suffer or permit the said light and power plant or the gas system or any part thereof to come under the control of any other person or corporation whatever. Provided, however, that the commission may pledge the net earnings of the said light and power plant and/or gas plant and system, after providing for the payment of all operating and maintenance charges and setting aside an amount annually sufficient to meet the interest and principal required of any previously created obligations of the plant, to secure payment of any equipment purchased for said plants and systems.

Section 11.05. Transfer of Funds. Said commission shall have authority and power to transfer funds from said Municipal Electric Plant fund and Natural Gas Division fund to the general fund of said City from time to time and it shall be mandatory upon said commission to so transfer funds from net earnings to said City to meet all interest and support principal required on obligations of said City incurred by said City in the construction of said plants and systems. Funds so turned over to said City by said commission shall during such time as the bonded indebtedness remains currently unpaid in connection with construction of said plants and systems to be used solely for the purpose of retiring such currently unpaid indebtedness. No later than September 1 of each year the Commission shall furnish to the City Council a written estimate of the amount of funds the Commission expects to transfer to the general fund of the City during the fiscal year beginning the following April 1.

Section 11.06. By-laws and Regulations. The Commission is vested with all powers to make and enforce such reasonable by-laws and regulations as may be necessary to carry into effect the objects and purposes of this chapter and to cause all such by-laws and regulations to be entered in a book kept for that purpose by the secretary and signed by the president and the secretary, which shall be open to public inspection at all reasonable times.

Section 11.07. Reports. The Commission shall keep a record of all of its financial operations and shall furnish quarterly to the City Council summarized statements showing receipts and disbursements and liabilities, if any, for such period of time and the said commission shall, in addition thereto, cause a summarized audited semi-annual and annual statement to be published in the official City newspaper. Such statement shall be prepared by a certified public accountant.

Section 11.08. Removal of Commissioners. Any member of said board may be removed from office by the City Council of the said City, by four-fifths vote thereof, if it shall appear from a petition of ten or more freeholders of said City that such member of said board has been guilty of malfeasance or misfeasance in office, or has become incapacitated to hold office, or ceases to be a resident of the City of Hutchinson. Provided that upon the filing of any such fact, together with a copy of such charges, and he shall be notified of the time and place where the Council will meet to consider such charges, which notice shall be so given at least ten days before such meeting, and at such meeting said member shall have the right to be present and produce evidence and be heard in his own behalf; however, no member of the commission shall continue in office after his loss of any qualifications required for appointment to that position.

Section 11.09. Fiscal Year. The fiscal year of said Hutchinson Utilities Commission shall be April I through March 31.

## Miscellaneous Provisions

Section 12.01. Official publications. The council shall annually designate a legal newspaper as provided by the laws of Minnesota as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.

Section 12.02. Oath of office. Every officer of the city 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) 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 clerk, etc.) of the City of Hutchinson to the best of my judgment and ability."

Section 12.03. Official bonds. The mayor and the city clerk, and such other officers or employees of the city as may be provided for by ordinance shall each before entering upon the duties of his respective office or employment, give a corporate surety bond to the city in such form and in such amount as may be fixed by the council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds 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 bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.

Section 12.04. Sales 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 as far as possible to retire 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 12.05. <u>Vacation of streets</u>. The council may by ordinance approved by at least three members of the council vacate any street or alley or part thereof within the city. Such vacation 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 by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

Section 12.06. Fines and Penalties. All fines, forfeitures, and penalties recovered for the violation of any ordinances shall be paid into the city treasury. Every court or officers receiving such monies, within 30 days thereafter, shall make return thereof under oath and be entitled to duplicate receipts for the amounts paid. One of the receipts shall be filed with the city clerk.

"We the unde hereby adopt this \7"	rsigned, representing a majority of the Hutchinson Charter Commission, do this proposed Charter Revision for the City of Hutchinson, Minnesota dated day of May, 1967."
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