

STATE OF MINNESOTA)
COUNTY OF HENNEPIN)
CITY OF ROBBINSDALE)

Certification as to Extract of Minutes

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

That attached hereto is a copy of the Robbinsdale City Charter which was adopted by ordinance and passed by a unanimous vote of the City Council pursuant to Minnesota Statutes 410.31, on July 8, 1968, that the Charter was published on July 11, 1968, and became effective on October 9, 1968.

WITNESS, My hand as such Clerk and the corporate seal of the City this 10th day of October 1968.

Mrs. Laura Blodow

City Clerk
City of Robbinsdale, Minnesota

(seal)

#20267
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 14 1968

James A. Johnson
Secretary of State

ORDINANCE AMENDMENT NO. 1

ROBBINSDALE, MINNESOTA

CITY CHARTER

11

#20267
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 14 1968

Joseph L. Johnson
Secretary of State

Chapter 1 Name, Boundaries, Powers, and General Provisions

Section 1.01 NAME AND BOUNDARIES.

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

Section 1.02 POWERS OF THE CITY

The City shall have all 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 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 power 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.

Chapter 2

Form of Government Section 2.01. FORM OF GOVERNMENT.

The form of government established by this charter is the "Council-Manager Plan." The council shall exercise the legislative power of the city and determine all matters of policy. The city manager shall be the head of the administrative branch of the city government and shall be responsible to the council for the proper administration of all affairs relating to the city.

Section 2.02. BOARDS AND COMMISSIONS.

The council shall itself be and perform the duties and exercise the powers of boards and commissions. The council may, however, establish by ordinance boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city, or to perform quasi-judicial functions.

Section 2.03 COUNCIL MEMBERS, QUALIFICATIONS AND TERMS.

The council shall be composed of a mayor and four councilmen who shall be qualified electors and shall hold no other public office except that of notary public or member of the National Guard or naval or military reserve, and who shall further qualify as provided in this charter.

The mayor and councilmen must reside within the boundary limits of the city and the councilmen must further satisfy residence requirements as set forth in Section 2.04.

The mayor shall be elected at large. Each of the councilmen shall be elected by the qualified electors of the ward in which he resides. The mayor and the councilmen shall be elected for a term of two years and until their suc-

cessors are elected and qualified.

Section 2.04. RESIDENT COUNCILMEN.

The councilmen shall be qualified as follows: One councilman shall be, at the time of his election or appointment, a resident of the First Ward. One councilman shall be, at the time of his election or appointment, a resident of the Second Ward. One councilman shall be, at the time of his election or appointment, a resident of the Third Ward. One councilman shall be, at the time of his election or appointment, a resident of the Fourth Ward.

Continued residence in the ward in which each of the said councilmen resides at the time of his election or appointment shall be a qualification to hold office during said councilman's term.

Section 2.05. WARDS

The area of the city as now or hereinafter established shall be divided into four wards. Review of the wards shall be made by the council and reapportionment to comply with this section shall be made within two years from the year in which a Federal census is taken so that each ward shall contain not more than 30% nor less than 20% of the population of the city. Reapportionment shall be by ordinance. If the council shall fail to reapportion within the period prescribed, the mayor and councilmen shall forfeit all remuneration until the wards of the city are reapportioned as required by this charter.

Section 2.06. INCOMPATIBLE OFFICES

No member of the council shall be appointed city man-

ager, nor shall any member hold any paid municipal office or employment under the city; and until 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.

Section 2.07. 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, ward, or section, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualifications, or by reason of the failure of any councilmen 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, except in the case of recall, 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 2.08. THE MAYOR.

The mayor shall be the presiding officer of the council, except that the council shall choose from its members a mayor pro tem who shall hold office at the pleasure of the council and shall serve as mayor in case of the mayor's disability or absence from the city, or in case a vacancy in the office of mayor until

a successor has been appointed and qualified. 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 2.09. SALARIES OF ELECTED OFFICERS.

The mayor and each alderman shall receive a salary the amount of which shall be prescribed by ordinance or resolution. The salary of the mayor shall not exceed \$125.00 per month, and the salary of each alderman shall not exceed \$100.00 per month, and shall not be increased during the current term of office of the councilmen or mayor at the time of the enactment of such ordinance or resolution.

Section 2.10. INVESTIGATION OF CITY AFFAIRS.

The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, 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 shall provide for an audit of the city's accounts at least once a year by the state department in charge of such work or by a certified public accountant. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.11 INTERFERENCES WITH ADMINISTRATION.

The council or any member thereof shall not dictate the appointment of any person to office or employment by the city manager, or in any man-

ner interfere with the city manager or prevent him from exercising his own judgement in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the council and its members shall deal with and control the administration service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the city manager, either publicly or privately.

Chapter 3 Procedure of Council

Section 3.01. COUNCIL MEETINGS.

On the first business day of January 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 twice a month. The mayor or any two members of the council may call special meetings of the council upon at least twelve hours' notice to each member 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. COUNCIL MEETING OFFICERS.

The council shall choose such officers and employees as may be necessary to serve at its meetings. The council shall appoint a secretary of the council. He shall give notice of its meetings, shall keep the journal of its proceedings and shall perform such other duties as shall be required by this charter or by ordinance. The council may designate any official or employee of the city, except the city manager, the mayor, or a member of the council, as secretary.

Section 3.03. RULES OF PROCEDURE AND QUORUM.

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 "yes" 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 PROCEDURE ON ORDINANCES.

The enacting clause of all ordinances shall be in the words, "The City of Robbinsdale does ordain." Every ordinance shall be presented in writing. No ordinance, except an emergency ordinance, shall be passed at the meeting at which it is introduced and at least fourteen days shall elapse between its introduction and final passage.

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 five members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four hours after the ordinance has been filed with the city clerk and posted in the 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. PROCEDURE ON RESOLUTIONS.

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 of-

ficial newspaper. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

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 therein. Every other ordinance shall take effect 30 days after publication or at such later date as is fixed therein. Every ordinance and resolution 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 & RESOLUTION.

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 substituted for underscoring and omitted matter may be printed in capital letters within parentheses.

Section 3.11 REVISION AND CODIFICATION OF ORDINANCES.

The council may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary, except as otherwise provided for under Section 5.08. Such ordinance code shall be published in book, pamphlet, or continuously revised looseleaf 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 reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance

provision not previously published if a notice is published in the official newspaper for at least two successive weeks that copies of the codification are available at the office of the city clerk.

Chapter 4 Nominations and Elections

Section 4.01. GENERAL ELECTION LAWS TO APPLY.

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this charter. The council shall through ordinances duly adopted in compliance with such state laws and this charter, adopt suitable and necessary regulations for the conduct of such elections.

Section 4.02. REGULAR MUNICIPAL ELECTIONS.

A regular municipal election shall be held on the 1st Tuesday after the 1st Monday in November of the year in which an election is to be held at such place or places as the city council may designate by resolution. At least 15 days notice shall be given by the city clerk of the time and places of holding such election, and of the offices to be elected, by posting a notice thereof in at least one public place in each ward or wards where the election is held and by publishing a notice thereof at least once in the official newspaper of the city.

Section 4.03. PRIMARY ELECTIONS.

The council shall whenever three or more candidates have filed for any citywide office, or for resident councilman of any ward, or section, provide through ordinance or resolution for a primary election to be held, citywide or in any particular ward, or section, and such primary election shall be held on a date not less than 25 days prior to the general election. At least 15 days notice shall be given by the clerk of the time and places of holding such elections, and of the officers to be elected, by posting a notice thereof in at least one public place in each ward where the election is held, and by publishing a notice thereof at least once in the official newspaper of the city.

Section 4.04. SPECIAL ELECTIONS.

The council may by resolution passed by a four-fifth vote of its members order a special election and provide all means for holding such special election, provided that three consecutive weeks published notice of said election be given in the official newspaper of the city. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.05. JUDGES OF ELECTION.

State of Minnesota)
County of Hennepin) ss.
I, _____, being first duly sworn, say that I reside at _____, City of Robbinsdale, County of Hennepin, State of Minnesota; that I am a qualified voter therein; that I am a candidate for election to the office of _____ to be voted upon at the municipal election to be held in the City of Robbinsdale on the _____ day of _____, 19____; and I hereby request that my name be printed upon the official election ballot for said office.

(Signed) _____

Subscribed and sworn to before

me this _____ day of _____,
19____.

(Official Title) _____

A filing fee of five dollars shall be required of candidates for all offices elected under this charter. All fees shall be paid into the general fund of the city.

Immediately upon the expiration of the time for filing the statements of candidates, the city clerk shall cause to be published in the official newspaper of the city, in proper form, the names of the persons that are to appear upon the election ballot.

Section 4.07. CANVASS OF ELECTIONS & TAKING OF OFFICE.

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, and said statement shall be made a part of the minutes. This

The council shall at least 25 days before each municipal election appoint qualified electors for each voting precinct to be judges of election therein as provided by state statute.

Section 4.06. NOMINATIONS.

Any person desiring to become a candidate for mayor or alderman shall, prior to the municipal election and conforming with state elections, file with the city clerk of the city a statement of such candidacy in substantially the following form:

serve 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 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 fifty dollars (\$50.00) for stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section is a misdemeanor.

Section 5.03. INITIATION OF MEASURES.

Any five qualified 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 thereof.

Section 5.04. 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 15% of the total number of qualified electors registered in the city at the time of the regular municipal election immediately prior to the filing of said petition. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each

Chapter 5 Initiative, Referendum and Recall

Section 5.01. POWERS RESERVED BY THE PEOPLE.
The people of the city re-

its submission to a vote of the electors for their approval or disapproval.

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

Section 5.12 REFERENDUM BALLOTS.

The ballots used in any referendum election shall conform to the rules laid down in Section 5.07 of this charter for initiative ballots.

RECALL

Section 5.13. THE RECALL.

Any five qualified electors within the city may form themselves into a committee for the purpose of bringing about the recall of any officer elected by the entire city. Any five electors within a section or ward may form themselves into a committee for the purpose of bringing about the recall of any officer elected from their respective section or ward. Such committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the

grounds for removal of not more than 250 words, and their intention to bring about this 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, 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 _____ from his office as _____ which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned qualified electors, understanding the nature of the charges against the officer sought to be recalled, and residing in the city, section, or ward (whichever is applicable) from which the officer was elected, desire the holding of a recall election for 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 thirty 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 twenty-five per cent

of the total number of qualified electors registered in the city at the time of the regular municipal election immediately prior to the filing of said petition, he shall 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 also shall 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 to conform as nearly as possible to that prescribed for other municipal elections. 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 500 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.

Section 5.17. 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: "Shall _____ be recalled?" the name of the officer whose recall is sought being inserted in the blank, and the qualified electors shall be permitted to note 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 _____, if recalled;" but 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 possible, as the form in use at a regular municipal election.

Chapter 6 Administration of City Affairs

Section 6.01. THE CITY MANAGER.

The city manager shall be the chief administrative officer of the city. He shall be chosen by the council solely on the basis of his training, experience, and administrative qualifications. The choice shall not be limited to inhabitants of the city or state but he shall be a citizen of the United States. The city manager shall be appointed for an indefinite period and he shall be removable by the council at will, provided, however, that if removed at any time after one year of service, he may within fifteen days after his removal demand written charges and a public hearing on the same before the council; but pending and during such hearing the council may suspend him from office, with or without pay. Such public hearing shall take place within thirty days after the demand for the same and the written charges shall be furnished him by the council at least ten days before the hearing. During the suspension, absence or disability of the city manager, or in case of a vacancy in the office of the city manager, or in case of a vacancy in the office of the city manager, the duties of his office shall be performed by some properly qualified person designated by the council as acting manager.

Section 6.02. POWERS AND DUTIES OF THE CITY MANAGER.

Subdivision 1. Subject to the provisions of this charter and any council regulations consistent therewith, the city manager shall control and direct the administration of the city's affairs. He shall have the powers and duties set forth in the following subdivisions:

Subdivision 2. He shall see that this charter and the laws, ordinances and resolutions of the city are enforced.

Subdivision 3. He shall appoint, upon the basis of merit and fitness and subject to applicable civil service provisions, if any, all officers and employees of the city, except the city attorney whose appointment and removal shall be at the discretion of the

council. He may remove or suspend, subject to applicable civil service provisions, if any, all officers and employees of the city with the consent and approval of the council. He shall not appoint or remove the fire chief or members of the fire department.

Subdivision 4. He shall exercise control over all departments and divisions of the city administration created by this charter or by the council.

Subdivision 5. He shall attend all meetings of the council, with the right to take part in the discussion but not to vote; but the council may in its discretion exclude him from any meeting at which his removal is considered.

Subdivision 6. He shall recommend to the council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs.

Subdivision 7. He shall keep the council fully advised as to the financial condition and needs of the city, and he shall prepare and submit to the council the annual budget.

Subdivision 8. He shall prepare and submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time he shall suggest amendments to such code.

Subdivision 9. He shall perform such other duties as may be prescribed by this charter or by law or required of him by ordinances or resolutions adopted by the council.

Section 6.03 DEPARTMENTS OF ADMINISTRATION.

The council may create such departments, divisions, and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter their powers and organizations. It may, in conjunction with the city manager, prepare a complete administrative code for the city and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

Section 6.04 SUBORDINATE OFFICERS.

There shall be a city clerk, city treasurer, city assessor, and such other officers subordinate to the city manager as the council may create by ordinance. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds,

and the general administration of the city's affairs as the council and this charter prescribe. He may be designated to act as secretary of the council and also as treasurer. The council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

Section 6.05. PURCHASE AND CONTRACTS.

The city manager shall be the chief purchasing agent of the city. All city purchases and contracts shall be made or let by the city manager when the amount of the intended purchase or contract does not exceed five hundred (\$500.00) dollars. All other purchases shall be made and all other contracts let by the council after the recommendations of the city manager have first been obtained. All contracts, bonds, and instruments of any kind to which the city is a party shall be signed by the mayor and the city manager on behalf of the city and shall be executed in the name of the city.

Section 6.06. CONTRACTS; HOW LET.

In all cases of work to be done by contract, or of the purchase of personal property of any kind, where the amount involved is more than \$500.00, unless the council shall by an emergency ordinance otherwise provide, the city manager shall advertise in such a manner as may be designated by the council. Contracts of this magnitude shall be let only by the council upon the recommendation of the city manager to the lowest responsible bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by a four-fifths vote for the doing of work with patented processes, or from the purchasing of patented appliances. Subject to the provisions of this charter, the council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

Chapter 7

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, the auditing and settlement of accounts, and the safekeeping and disbursement

of public moneys, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02 FISCAL YEARS.

The fiscal year of the city shall be the calendar year.

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 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 assessments of property for taxation purposes according to law.

Section 7.05. PREPARATION OF THE ANNUAL BUDGET.

The city manager shall prepare the 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 assessments 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. The budget shall show the income and expenditures classified in accordance with good accounting principles. The city manager shall submit with the estimates such explanatory statements as he may deem necessary, and under this charter he shall interpret this section as requiring comparisons of the city's finances with the three previous budgets of this municipality.

Section 7.06. PASSAGE OF THE BUDGET.

Prior to the adoption of the budget notice shall be given in at least two publications of the official city newspaper stating the time and place at which the budget will be considered and stating that copies are on file in the City Hall for public inspection. The budget shall be the principal item of business at the first regular monthly meeting of the council in August and the council shall hold adjourned meetings from time to time until all the esti-

mates have been considered.

The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The city manager 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 Sec. 7.05. The total sum appropriated shall not exceed the total estimated revenue. The council shall adopt the budget not later than the first week of October by a resolution which shall set forth the total for each budgeted fund. 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 manager to enforce the provisions of the budget. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the adopted budget, nor for any expenditure covered by the adopted budget 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 adopted budget. Any obligation incurred by any persons in the employ of the city for any purpose not authorized in the budget 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. ALTERATIONS IN THE BUDGET.

After the budget resolution has been adopted, the council shall have no power to increase the amounts fixed in

the budget resolutions, 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 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 by a vote of four 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 5% of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of at least four members of the council and shall be used only for emergency purposes designated by the council.

Section 7.10. DISBURSEMENTS. HOW MADE.

No disbursement of city funds shall be made except by check signed by the city manager and mayor and specifying the fund from which it is drawn. 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 city manager 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 safekeeping and disbursement of the funds of the city.

Section 7.11. FUNDS TO BE KEPT.

There shall be maintained in the city treasurer a classification of funds which shall provide for a general fund for the payment of such expenses of the city as the council may deem proper, and such other funds as may be required by statute, ordinance or resolution. The council shall have full power by ordinance or resolution to make inter-fund loans, except from trust and agency funds, as may be deemed necessary and appropriate from time to time.

Section 7.12. ACCOUNTS AND REPORTS.

The city manager 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 treasurer, the status of all funds, 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 February, the city manager shall submit a report to the council covering the entire financial operations of the city for the past year. Such report, or summary thereof, shall be published in the official city newspaper on or before April 10th of each year.

Section 7.13. CITY INDEBTEDNESS.

Except as provided in Sections 7.14 and 7.15, 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 limits prescribed by law.

Section 7.14. TAX ANTICIPATION CERTIFICATES.

At any time after January 1st 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 amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed ninety percent of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine and shall bear interest at no more than the lawful rate, but they shall become due and payable not later than the 1st day of April of the year following their issuance. The proceeds of the tax levied for 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 their issuance against the fund.

Section 7.15. EMERGENCY DEBT CERTIFICATES.

If in any year the receipts from taxes or other sources should from 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 ordinance issue and sell on such terms and in such manner as the council determines emergency debt certificates to run not to exceed three years and to bear interest not to exceed the maximum limit provided by law.

Section 7.16. BONDS OUTSIDE THE DEBT LIMIT.

The council may issue bonds for legal purposes outside of the debt limit as provided by law.

Chapter 8 Public Improvements and Special Assessments

Section 8.01. POWER TO MAKE IMPROVEMENTS AND SPECIAL ASSESSMENTS.

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

Section 8.02. ASSESSMENTS FOR SERVICES.

The council may provide by ordinance that the cost of any service to streets, sidewalks, or other public property, or the costs of any services to other property undertaken by the city may be assessed against the property benefited and collected in like manner as are special assessments.

Section 8.03. LOCAL IMPROVEMENTS.

After this charter takes effect, all local improvements commenced prior thereto shall be completed and assessments may be levied and securities may be issued for the financing thereof as prescribed by the law applicable thereto. The council may prepare and adopt a comprehensive ordinance, prescribing the procedure which shall be followed thereafter, and such ordinance when adopted shall supersede all other provisions of the law on the same subject. In the absence of such ordinance or until adoption of such ordinance, all local improvements may be made and assessments levied therefore as prescribed by any applicable law.

Section 8.04. PUBLIC WORKS. HOW PERFORMED.

Section 8.04. PUBLIC WORKS. HOW PERFORMED.

Public works, including all local improvements, may be constructed, extended, repaired, and maintained either by day labor or by contract. The city shall require contractors to give bonds for the protection of the city and all persons furnishing labor and materials, pursuant to the laws of the state pertaining to and governing public works.

Chapter 9 Eminent Domain

Section 9.01. POWER TO ACQUIRE PROPERTY.

The city is hereby empowered to 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, and 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. PROCEEDINGS IN ACQUIRING PROPERTY.

The necessity for taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by legal proceedings, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this charter. Any condemnation proceedings in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun.

Section 9.03. PAYMENT OF AWARD.

Whenever an award of damages is confirmed in any proceedings for the taking of property under this charter,

or whenever the court renders final judgment in any appeal from such award and the time for abandoning such proceedings by the city has expired, the city shall, within sixty days of such final determination, pay the amount of the award or judgement of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

Section 9.04. CITY MAY ABANDON PROCEEDINGS.

The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within thirty days after final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses thereof, including fees of counsel.

Section 9.05. CITY MAY TAKE ENTIRE PLANT.

If the city condemns a public utility which is operated at the time of the commencement of 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 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.

Chapter 10 Franchises and Public Utilities

Section 10.01. FRANCHISES REQUIRED.

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon or under any street, highway or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the city.

Section 10.02. FRANCHISE ORDINANCE.

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. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms and filed with the city clerk.

Section 10.03. TERM.

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

Section 10.04. 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. Additional notice of such hearing may be given in such a manner as the council may determine.

Section 10.05. COST OF PUBLICATION OF FRANCHISE.

The grantee shall bear the cost of publication of the franchise ordinance and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Section 10.06. POWER OF REGULATION RESERVED.

Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including 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. Franchise rights shall always be subject to the superior rights of the public to the use of streets and public places.

Section 10.07. RENEWALS OR EXTENSIONS OF FRANCHISES.

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.

Chapter 11 Public Ownership and Operation of Utilities

Section 11.01. ACQUISITION & OPERATION OF UTILITIES.

The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be required. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

Section 11.02. RATES AND FINANCES.

Upon recommendations made by the city manager or upon its own motion, the council may fix rates, fares, and prices for municipal utilities but such rates, fares or prices shall be just and reasonable. Before any such rates, fares or prices are fixed by the council, the council shall hold a public hearing on the matter in accordance with Section 11.04. The council shall prescribe the time and the manner in which payments for all such services shall be made and may make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

Section 11.03. PURCHASE IN BULK.

The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 11.04. NOTICE OF HEARINGS.

Notice of hearings shall be published at least once in the official newspaper not less than ten days prior to the date of hearing. Additional notice of such public hearing may be given in such manner

as the council may determine.

Section 11.05. LEASE OF PLANT.

The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance by four-fifths vote of the council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

Section 11.06. PUBLIC UTILITY. HOW SOLD.

No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of state statutes.

Chapter 12 Miscellaneous and Transitory Provisions

Section 12.01. OFFICIAL PUBLICATIONS.

The council shall annually designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem 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 the following manner: "I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Minnesota, that I will, in all respects, observe the provisions of the charter and ordinances of the City of Robbinsdale and will faithfully discharge the duties of the office of _____, to the best of my judgment and ability."

Section 12.03. CITY OFFICERS NOT TO ACCEPT FAVORS OR CONTRACTS.

No member of the city council or employee of the city shall solicit or receive any pay, commission, money, thing of value, or derive any profit, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the city more favorable than those granted to the public generally, or any contract to which the city shall be party, except his lawful compensation, including authorized expenditures, or salary as such member of the city council or as such employee. No member of the city council or employee of the city shall solicit, accept or receive, directly or indirectly, from any public utility corporation or the owner of any public utility or franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted to the public generally. A violation of any of the provisions of this section shall disqualify the offender, if found guilty, from continuing in office or in the employment of the city, and he shall be removed therefrom. Any contract with the city in which any member of the council or employee of the city is, or becomes directly or indirectly interested personally, shall be voidable at the option of the council; and any money which shall have been paid on such contract by the city may be recovered from any or all of the persons interested therein by joint or several action.

Section 12.04. OFFICIAL BONDS.

The city manager, the city clerk, the city treasurer, 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 surety 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 12.05. 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 outstanding indebtedness, the council may by ordinance or resolution designate some other public use for the proceeds.

Section 12.06. VACATION OF STREETS.

The council may by ordinance, approved by at least four 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 in accordance with law.

Section 12.07. 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 Robbinsdale operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Robbinsdale and shall be construed as supplementary to the provisions of this charter.

Section 12.08. EXISTING ORDINANCES CONTINUED.

All ordinances and regulations of the municipality 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 12.09. FINES AND PENALTIES.

All fines, forfeitures, and penalties recovered for the violation of any ordinance shall be paid into the city treasury. Every court or officer receiving such moneys, 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.

Ordinance Amendment No. 2

Section 2.03. COUNCIL MEMBERS, QUALIFICATIONS AND TERMS.

The council shall be composed of a mayor and four councilmen who shall be qualified electors, and shall hold no other public office except that of notary public or member of the National Guard or naval or military reserve, and who shall further qualify as provided in this charter.

The mayor and councilmen must reside within the boundary limits of the city and the councilmen must further satisfy residence requirements as set forth in Section 2.04.

The mayor shall be elected at large. Each of the councilmen shall be elected by the qualified electors of the ward in which he resides. The mayor and the councilmen shall be elected for a term of four years and until their successors are elected and qualified, except that at the first election held after the adoption of this section, the offices of councilmen for the Third and Fourth Wards shall be filled for a two year term. There shall be rotation in the terms of the mayor and councilmen so that the end of the term of the mayor and councilmen for the First and Second Wards is separated by two years from the end of the term of the councilmen for the Third and Fourth Wards.

20267