

City of

B E M I D J I

**BEMIDJI,
MINNESOTA**

November 9, 1970

OFFICE OF
CITY CLERK

Mr. Joseph L. Donovan
Secretary of State
St. Paul, Minnesota

Dear Mr. Donovan:

Enclosed is a certified copy of the City
of Bemidji Charter amendments passed at an
election held thereon on November 3, 1970.

Sincerely,

Dorothy A. Henry

Dorothy A. Henry
City Clerk

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 10 1970

Joseph L. Donovan
Secretary of State

21878

CHARTER AMENDMENTS PASSED NOVEMBER 3, 1970

I

That Section 2.01 of the Charter be amended to read as follows:

2.01 Number, Selection, Term. The Council shall be composed of six councilmen who shall be qualified electors, and who shall be elected in the manner hereinafter provided. A mayor and one councilman shall be elected at large, and each shall serve for a term of two years and until his successor is elected and qualified. The other five councilmen shall be elected one from each ward, and shall serve for a term of four years and until their successors are elected and qualified.

That Section 2.03 of the Charter be amended to read as follows:

2.03 Mayor. The mayor shall be the presiding officer of the council, except that a president pro tempore shall be chosen from their number 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. The mayor shall be a voting member of the council. The mayor 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 processes, and by the governor for the purposes of martial law. 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. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall appoint a mayor to fill the vacancy for the unexpired term, but in the case of a recall the vacancy shall be filled in the manner provided by this charter.

That Section 2.08 of the Charter be amended to read as follows:

2.08 Vacancies in Council. Vacancy in the council from any ward or in the position of councilman at large 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 ward, 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 fill the vacancy by appointment, until the next regular municipal election.

That Section 2.13 of the Charter be amended to read as follows:

2.13 Ordinances and Motions. Except as in this charter otherwise provided, all legislation and all appropriations of money shall be by ordinance, save that where an

obligation has been incurred by or ordinance, payment thereof may be ordered by motion, and save also that licenses may be granted and local improvements ordered, by motion, which said motions shall be decided only by roll call vote. Every final vote upon all ordinances, and upon all amendments thereto, shall be by ayes and nays, and the vote of each member shall be recorded in the minutes. The affirmative votes of at least four members shall be required for the passage of all ordinances and motions, except as otherwise provided in this charter.

That Section 2.15 of the Charter be amended to read as follows:

2.15 Emergency Ordinances. An emergency ordinance is an ordinance for the immediate preservation of the public peace, health, or safety, in which the emergency is defined or declared in a preamble thereto, separately voted upon and agreed to by at least six members of the council as recorded by ayes and nays. An emergency ordinance must be in writing but may be enacted upon its first reading. No grant of any franchise shall be construed to be an emergency ordinance.

That Section 5.37 of the Charter be amended to read as follows:

5.37 Emergency Appropriations. At any time in any budget year, the council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation shall be adopted by the favorable votes of at least six of the members of the council, and shall be made only upon recommendation of the city manager. The total amount of all emergency appropriations made in any budget year shall not exceed three per centum of the total operating appropriations made in the budget for that year, or \$10,000.00 whichever is larger.

That Section 7.04 of the Charter be amended to read as follows:

7.04 Local Improvements. After the effective date of this charter, all local improvements shall continue for the time being to be made under the laws previously applicable. The council shall prepare and adopt a comprehensive ordinance, prescribing the procedure which shall thereafter be followed in making local improvements and levying assessments therefor, and after its adoption such ordinance shall supersede all other provisions of the law on the same subject and may be amended only by an affirmative vote of six of the members of the council. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefor as are necessary to meet the constitutional requirements.

That Section 9.02 of the Charter be amended to read as follows:

9.02 Granting of Franchises

A. The city shall have power to grant a franchise to any private corporation for the use of streets and other public places in the furnishing of any public utility service to the city and to its inhabitants. All franchises and any renewals, extensions and amendments thereto shall be granted only by ordinance adopted by an affirmative vote of six members of the council, but in no case shall a franchise be granted by an emergency ordinance. A proposed franchise ordinance shall be submitted to the city manager, and he shall render to the council a written report containing recommendations thereon.

B. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than 20 years.

II

That Section 6.10 of the Charter be amended to read as follows:

6.10 Delete Section 6.10 in its entirety.

That Section 6.11 of the Charter be amended to read as follows:

6.11 Delete Section 6.11 in its entirety.

III

That Section 4.06 of the Charter be amended to read as follows:

4.06 City Attorney. The City Manager shall appoint a City Attorney which said appointment must be confirmed by the City Council before it becomes effective. The City Council shall fix the compensation of such City Attorney. The appointment shall be made at the first regular meeting of the Council in each even numbered year or as soon thereafter as can be. The person so appointed shall maintain an office for the general practice of law within the City of Bemidji and shall have been admitted to practice law in the courts of the State of Minnesota. He shall be the chief legal adviser of all offices, departments, and agencies and of all officers and employees in matters relating to their official powers and duties. He shall represent the City in all legal proceedings. It shall be his duty to perform all services incident to his position as may be required by statute, by this charter, or by ordinance.

CERTIFICATION

I, Dorothy A. Henry, the duly appointed and authorized and acting clerk of the City of Bemidji, Minnesota, do certify that the above Charter Amendments are true and correct copies of the amendments to the Bemidji City Charter passed by an election held thereon on November 3, 1970; the original of which is duly filed as a part of the permanent records of the City of Bemidji.

Dorothy A. Henry
Dorothy A. Henry, City Clerk

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
NOV 10 1970

James J. Johnson
Secretary of State
21878