

CERTIFICATE OF ADOPTION OF CHARTER

I, Robert A. Tuma, hereby certify that on the 8th day of April, 1975, there was a City Election for the City of New Prague, Scott and Le Sueur Counties, Minnesota, regarding whether or not the citizens of the City of New Prague wish to adopt a Charter for the government of the City of New Prague, a copy of said Charter as adopted by the citizens of New Prague attached to this Certification and made a part of said Certification by reference. There were a total of 540 votes cast and of this total 432 voted "Yes" for the adoption of the proposed new Charter and 108 voted "No" to reject the adoption of the new Charter.

WHEREFORE: The Charter was adopted.

DATED: May 20, 1975.

Robert A. Tuma
Robert A. Tuma
City Clerk
City of New Prague, Minnesota.

#28124
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 22 1975
James O'Brien
Secretary of State

28124

Proposed Charter For City of New Prague

SECOND SECTION
THE NEW PRA
NEW PRAGUE, MINNESOTA 56071

NOTICE OF CITY ELECTION

CITY OF NEW PRAGUE

April 8, 1975

NOTICE IS HEREBY GIVEN That an election has been called by the City Council and will be held in and for the City of New Prague on Tuesday, the 8th day of April 1975 for the purpose of voting upon the following question:

"Shall the proposed new charter be adopted?"

which said proposed charter is on file in the office of the New Prague City Clerk and reads as follows:

As per exhibit "A" hereto attached and herewith is incorporated by reference.

The polls for said election shall be open at 7 O'Clock A.M. and shall be closed at 8 O'Clock P.M. The voting place for each of the two wards in the City shall be at the City Hall at 115 Central Avenue North in the City of New Prague, Minnesota. All eligible electors for the City shall be entitled to vote at said election.

Dated March 17, 1975

Wallace L. Bednar
Wallace L. Bednar
City Clerk

#28124
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 22 1975
James Anderson Howe
Secretary of State

EXHIBIT "A"

HOME RULE CHARTER
of the
CITY OF NEW PRAGUE

CHAPTER 1

Name, Boundaries, Powers and General Provisions

Section 1.01. NAMES AND BOUNDARIES. The City of New Prague, Scott and Le Sueur Counties, Minnesota, shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established.

Section 1.02. WARDS. The City of New Prague shall be divided into two or more wards. The boundaries of said wards shall be as they now are or may hereafter be established by ordinance of the City Council.

Section 1.03. PRECINCTS. The City Council shall have the power by ordinance to change the number and the boundaries of the precincts within each ward.

Section 1.04. 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 constitutions of this state

Section 2.10. APPOINTIVE OFFICES. There shall also be appointed, in the manner hereinafter provided, a City Administrator, a City Clerk, a City Treasurer, a City Attorney, a City Assessor, and such other officers and employees as may be required under this charter, the General Laws of the State, or the Ordinances of the City. The City Council may create and establish additional offices, departments or commissions, consistent with the general purposes of this charter and may, from time to time, alter or abolish the form or functions of any appointive office, department or commission by ordinance. Notwithstanding Section 12.11 of this Charter, regarding the continuing of the terms of present officers, any office that has been made appointive by this Section (2.10) that previously has been elective, shall have its term of office expire June 30, 1975.

CHAPTER 3

Council Procedure

Section 3.01. COUNCIL REGULAR MEETINGS. On the first Tuesday after the first Monday in January in each year, the City Council shall hold what shall be known as the regular annual meeting. All other stated regular meetings shall be held on the first Monday of each month.

Section 3.02. SPECIAL COUNCIL MEETINGS. The Mayor or any three members of the Council may call special meetings of the Council upon at least twelve-hours notice to each member.

Section 3.03. MEETINGS TO BE PUBLIC. To the extent provided by law, all meetings of the Council and its committees shall be public and any citizen shall have access to the minutes and records of the Council at all reasonable times.

Section 3.04. ORGANIZATION. On the first Tuesday after the first Monday in January following the first election held under this Charter, and at the annual meeting immediately following any regular municipal election, the newly elected Council Members shall enter upon the duties of their office, and the Council shall then proceed to perfect its organization. From their own number they shall choose a Vice President, who shall preside at all meetings of the Council in the absence of the President and perform such other duties as may be required by the provisions of this Charter.

Section 3.05. APPOINTMENTS. At its first organization meeting, or as soon thereafter as possible, the Council shall appoint a City Administrator, who shall hold office during the pleasure of the Council and whose powers and duties as the administrative officer of the City shall be as defined herein. The City Administrator shall be appointed for an indefinite period and may be suspended or removed by the Council at any time. The action of the Council in suspending or removing the Administrator shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. In the event of such removal, the Council shall immediately take steps to appoint a successor.

At the same meeting, and at the annual meeting in each year thereafter, the Council shall appoint a City Attorney, a Police Chief, and such other officers as are, or may be, required under the provisions of this Charter, the General Laws of the State, or the Ordinances of the City, and whose appointment is not specifically delegated to some other authority.

The Mayor shall likewise at these meetings, or adjourned sessions thereof, make such nominations for appointment as the Mayor is authorized to make by this Charter, but which require confirmation by the City Council.

At the regular monthly meeting in October of each year, the City Council shall also appoint a City Assessor, whose term of office shall begin on the Tuesday next following.

Section 3.06. SECRETARY OF COUNCIL. The City Clerk shall act as secretary to the Council and shall keep a journal of council proceedings

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SECOND SECTION

THE NEW PRAGUE TIMES

NEW PRAGUE, MINNESOTA 56071

Thursday, March 20, 1975-THE NEW PRAGUE TIMES-15

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At the regular monthly meeting in October of each year, the City Council shall also appoint a City Assessor, whose term of office shall begin on the Tuesday next following.

Section 3.06. SECRETARY OF COUNCIL. The City Clerk shall act as secretary to the Council and shall keep a journal of council proceedings.

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. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections.

Section 4.03. FILING FOR OFFICE. No earlier than 45 days or later than 15 days before the municipal election, voters of the City qualified under the state constitution for elective office may, by filing an affidavit and paying a filing fee of \$5.00, have their name placed on the municipal primary election ballot or, if there is no primary election, on the municipal election ballot.

Section 4.04. PROCEDURE AT ELECTIONS. Subject to this Charter and applicable state laws, the Council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

CHAPTER 5

Initiative and Referendum

Section 5.01. GENERAL VOTER AUTHORITY. The voters of the City shall have the right, in accordance with the Charter, to propose ordinances known respectively as the initiative and referendum.

Section 5.02. PETITIONS. An initiative or referendum shall be initiated by a petition signed by registered voters of the City equal in number to 20 percent of those who voted in the last regular city election. Each petition shall be sponsored by a committee of five voters whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 5.05 or 5.06, as the case may be. All who sign shall sign their name and give their street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is a genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the city. Any person whose name appears on a petition may withdraw their name by a statement in writing filed with the Secretary of the Council before the Secretary advises the Council of the sufficiency of the petition.

Section 5.03. DETERMINATION OF SUFFICIENCY. Immediately upon receipt of the petition, the Secretary of the Council shall examine the petition as to its sufficiency and report to the Council within 31 days. Upon receiving the report, the Council shall determine by resolution the sufficiency of the petition.

Section 5.04. DISPOSITION OF INSUFFICIENT PETITION. If the Council determines that the petition is insufficient or irregular, the Secretary of the Council shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have 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 Council finds that the petition is still insufficient or irregular, the secretary of the Council shall file the petition in the office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not pre-empt the filing of a new petition for the same purpose nor shall it prevent the Council from referring the ordinance to the voters at the next regular or special election at its option.

Section 5.05. INITIATIVE. Any ordinance, except an ordinance relating to the budget or capital program, the appropriation of money, the levy of taxes, or the salaries of city officers or employees, may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the proposed ordinance. If the Council passes the proposed ordinance with amendments and a majority of the sponsoring committee do not disapprove the amended form by a statement filed with the Secretary of the Council within 10 days of its passage by the Council, the ordinance need not be submitted to the voters. If the Council fails to enact the ordinance in an acceptable form within 60 days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot at the next

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Section 1.03. PRECINCTS. The City Council shall have the power by ordinance to change the number and the boundaries of the precincts within each ward.

Section 1.04. 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 constitutions of this state and of the United States. It is the intention of this charter to confer upon the city every power which it would have if it were specifically mentioned. The charter shall be construed liberally in favor of the city and the specific mention of particular municipal powers in other sections of this charter does not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

CHAPTER 2

Form of Government

Section 2.01. FORM OF GOVERNMENT. The form of government established by this charter is the "Council - Administrator Plan". Except as otherwise provided by law or this charter, all powers of the city are vested in the Council. The city Administrator shall be the head of the administrative branch of the City Government and shall be responsible to the Council for the proper administration of delegated city affairs.

Section 2.02. BOARDS, COMMISSIONS AND DEPARTMENTS. In addition to the elective officers of the City, there shall be a Board of Health, a Utilities Commission, a Fire Department and a Police Commission, the duties, powers and form of organization of which shall be as defined herein or by existing ordinance or state law.

Section 2.03. COUNCIL COMPOSITION AND ELECTION. The Council shall be composed of a mayor and council members who shall be qualified electors and two council members shall represent each ward. Each council member shall serve for a term of four years and until the successor is elected and qualifies. The Mayor shall serve for a term of two years and until the successor is elected and qualifies.

Section 2.04. INCOMPATIBLE OFFICES. No member of the Council shall be appointed city administrator, nor shall any member hold any paid municipal office or employment under the city; and until one year after the expiration of their term as mayor or council member, no former member shall be appointed to any paid appointive office or employment under the city which was created or for which the compensation was increased during his term of office. The members of the Voluntary Fire Department, Voluntary Police Reserve and Voluntary Ambulance Service shall not be considered a paid employee or officer of the city by virtue of those positions.

Section 2.05. VACANCIES. An elective office becomes vacant when the person elected or appointed thereto dies before taking office or fails to qualify, or the incumbent dies, resigns in writing filed with the secretary of the Council, is convicted of a felony, ceases to reside in the City, or is adjudged incompetent by a court of competent jurisdiction. In each such case the Council shall by resolution declare the vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy for the remainder of the unexpired term.

Section 2.06. THE MAYOR. The Mayor shall serve as President and shall preside at meetings of the Council and shall have a vote as a member. The Council shall choose from its members a Vice President. The Vice President shall serve as President in the Mayor's absence and as the Mayor in case of the Mayor's disability or absence from the City. The Mayor shall be recognized as head of the City Government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for purposes of martial law, but shall have no administrative duties.

Section 2.07. SALARIES. The Mayor and Council Members shall receive such compensation as is fixed by the Council in accordance with law. The City Administrator and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the Council.

Section 2.08. INVESTIGATION OF CITY AFFAIRS. The Council may make investigations into the affairs of the City and the conduct of any city department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. 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. At any time the Council may provide for an examination or audit of the accounts of any city officer or agency and it may provide for any survey or research study of any subject of municipal concern.

Section 2.09. INTERFERENCES WITH ADMINISTRATION. Except for the purpose of inquiry and investigation under Section 2.08, the Council and its members shall deal with and control city officers and employees under the jurisdiction of the administrator solely through the administrator, and neither the Council nor any Council Member shall give orders to any subordinate of the Administrator either publicly or privately.

thereof, make such nominations for appointment as the mayor is authorized to make by this Charter, but which require confirmation by the City Council.

At the regular monthly meeting in October of each year, the City Council shall also appoint a City Assessor, whose term of office shall begin on the Tuesday next following.

Section 3.06. SECRETARY OF COUNCIL. The City Clerk shall act as secretary to the Council and shall keep a journal of council proceedings and perform such other duties as this charter or the Council may require. The Council may designate any other city official or employee except the city administrator or a member of the council to act as secretary of the Council.

Section 3.07. RULES OF PROCEDURE AND QUORUM. The Council shall determine its own rules and order of business. A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time. The Council may by rule provide a means by which a minority may compel the attendance of absent members.

Section 3.08. ORDINANCES, RESOLUTIONS AND MOTIONS. Except as otherwise provided in this Charter, all legislation shall be by ordinance. The votes of Council Members on any action taken shall be recorded in accordance with Statute. Except as otherwise provided in this Charter, an affirmative vote by a majority of all the members of the Council shall be required for the adoption of all ordinances and resolutions.

Section 3.09. PROCEDURE ON ORDINANCES. Every proposed ordinance shall be presented in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be, "THE CITY OF NEW PRAGUE ORDAINS". No ordinance except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least three days shall elapse between its introduction and final passage.

Section 3.10. 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 and the ordinance is adopted by majority vote of the Council.

Section 3.11. PROCEDURE ON RESOLUTIONS. Every resolution shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent.

Section 3.12. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the Council shall be signed by the Mayor, attested by the Secretary of the Council, and filed and preserved by the Secretary. Every ordinance shall be published at least once in the official newspaper. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute, state administrative rule or regulation of Minnesota, a code, or ordinance or part thereof without publishing the material referred to in full.

Section 3.13. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT. Every Resolution and Emergency Ordinance shall take effect immediately upon its passage or at such later date as it specifies. Every other ordinance shall take effect 30 days after publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon its adoption or at such later date as it specifies.

Section 3.14. AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution repealing all or part of a previous ordinance or resolution 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 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 by appropriate type or symbols matter to be omitted or added.

Section 3.15. REVISION AND CODIFICATION OF ORDINANCES. The City may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet or continuously revised loose leaf form and copies shall be made available by the Council at the City Offices for general distribution to the public free or for 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 City Offices is published in the official newspaper for at least two successive weeks.

CHAPTER 4

Elections

Section 4.01. THE 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 1975 at such place or places as the City Council may designate. At least two weeks published notice of the time and place of holding such election and of the officers to be elected shall be given, but failure to give such notice shall not invalidate the election.

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Section 5.06. REFERENDUM. Any ordinance subject to the initiative may be subjected to referendum by a petition which shall state, at the head of each page or on an attached paper, a description of the ordinance. If the ordinance is not thereafter entirely repealed, it shall be placed on the ballot at the next election or at a special election called for that purpose, as the Council determines. If a majority of the voters voting thereon favors the ordinance, it shall remain in effect; if a majority of the electors voting thereon votes against the ordinance, it shall be considered repealed upon certification of the election results.

CHAPTER 6

Administration of City Affairs

Section 6.01. THE CITY ADMINISTRATOR. The City Administrator shall be the chief administrative officer of the City and shall be chosen by the Council solely on the basis of training, experience, executive and administrative qualifications. The City Administrator need not be a resident of the City at the time of appointment but may reside outside the city while in office only with the approval of the Council. The City Administrator shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of a majority of the Council; but after serving as Administrator for one year, may demand written charges and a public hearing on the charges before the Council prior to the date when final removal takes effect. After the hearing, if one is demanded, the Council may suspend the Administrator from office. With the approval of the Council, the Administrator may designate some properly qualified person to perform the duties of the Administrator during absence or disability or while the office is vacant.

Section 6.02. POWERS AND DUTIES OF THE CITY ADMINISTRATOR. The City Administrator shall be responsible to the Council for the administration of the city's affairs and shall have the powers and duties set forth in the following subdivisions:

Subd. 1. The City Administrator shall see that this Charter and the laws, ordinances, and resolutions of the City are enforced.

Subd. 2. The City Administrator shall attend all meetings of the Council and may take part in discussion but not vote; but the Council may, in its discretion, exclude the Administrator from any meeting at which removal is considered.

Subd. 3. The City Administrator shall recommend to the Council for adoption such measures as are necessary for the welfare of the people and the efficient administration of the city's affairs.

Subd. 4. The City Administrator shall keep the Council fully advised on the financial condition and needs of the City, and shall prepare and submit to the Council the annual budget and capital program.

Subd. 5. The City Administrator shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year.

Subd. 6. The City Administrator shall see that all contracts entered into by the City for public improvements or other purposes are faithfully and honestly performed by the contractor, and that all street and other work ordered or authorized by the City Council is properly performed. The City Administrator shall carefully inspect all work done and all materials furnished, whether on contract or otherwise, and make report to the City Council from time to time during the progress of the work, and upon final completion thereof; shall approve all bills and estimates for such work before payment. No work shall be finally accepted until final inspection and approval by the City Administrator.

Subd. 7. The City Administrator shall perform such other duties and have such other powers as are prescribed by Charter or may be required by the Council.

Section 6.03. ADMINISTRATIVE ORGANIZATION. The Council may by ordinance establish city departments, offices and agencies and prescribe their functions. No power or duty conferred by this Charter upon a particular office or agency shall be transferred to any other.

Section 6.04. PURCHASES AND CONTRACTS. The City Administrator shall be the chief purchasing agent of the City. All city purchases and contracts shall be made or let by the City Administrator when the amount involved does not exceed \$1,000.00 or by approval of the City Council not to exceed the limit set by State Statute. All other purchases shall be made and all other contracts let by the Council. Contracts shall be made in compliance with the uniform contracting law, and whenever competitive bids are required, the contract shall be let

to the lowest responsible bidder. All contracts, bonds and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Administrator on behalf of the City and shall be executed in the name of the City. The Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

Section 6.05. SUBORDINATE OFFICERS. There shall be a city clerk and such other officers subordinate to the City Administrator as the Council may establish by ordinance. The City Clerk shall be subject to the direction of the City Administrator 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 may prescribe. The City Clerk 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 6.06. CITY ATTORNEY. The City Attorney shall be a person who has been admitted to practice in the Courts of this State prior to appointment. The City Attorney shall be the legal advisor of and attorney for the City and all departments or officers thereof in relation to their official powers and duties.

Section 6.07. CITY ASSESSOR. The City Assessor shall have and possess all of the qualifications, authority, rights, powers and duties of assessors under the General Laws of the State, now or hereafter enacted, together with the right to appoint a deputy or deputies, subject to the approval of the City Council.

Section 6.08. BOARD OF HEALTH. The Board of Health, created under this Charter shall be composed of three resident freeholders, one of whom shall be designated in appointment as Health Officer of the city and executive of the Board. The Health Officer shall be a qualified practicing physician, and shall receive as compensation for services such salary as the City Council may determine at the time of appointment. All members of the Board shall be appointed by the Mayor, with the approval of the Council held under this Charter and at the regular annual meeting in each year thereafter. Their tenure of office shall be until their successors are duly appointed and qualified.

The Board, in addition to enforcing the ordinances of the City pertaining to sanitary conditions and the public health, shall perform all duties prescribed for municipal health boards and health officers by the laws of the State, and in the performances of such duties they may exercise all the powers conferred by said laws.

Section 6.09. POLICE COMMISSION. A Police Commission of three members shall be appointed by the Mayor, with the approval of the City Council, at its first meeting after the adoption of this Charter, one member for the term ending on the 1st day of January 1977; one for a term ending on the 1st day of January 1978; and one ending on the 1st day of January 1979. Beginning with the year 1978 and every year thereafter at the regular meeting of the City Council, one commissioner shall be appointed by it for a term of three years. The members of the commission shall serve without compensation.

The main function of the commission will be to recommend to the City Council actions concerning all types of police activity.

Section 6.10. FIRE DEPARTMENT. The City Council shall have the power to make all regulations reasonable necessary for the prevention of fires and the elimination of fire hazards within the City. The City Council shall have the power also to authorize the purchase of all apparatus, equipment, and supplies necessary for the extinguishing of fires; to erect fire stations and buildings needed for the proper housing of such apparatus and equipment; to establish fire alarm systems and other devices for the prompt and effective handling of fires; and to authorize support, and maintain an adequate and efficient department of fire companies, and to establish by ordinance the rules and regulations for the government thereof.

Section 6.11. CHIEF OF THE DEPARTMENT. At its annual meeting each year, the Fire Department shall elect a Chief of the Fire Department. Such election shall be on the basis of merit and experience and subject to the approval of the Council. The Chief of the Fire Department shall also act as Fire Marshall of the City.

CHAPTER 7

Taxation and Finances

Section 7.01. COUNCIL TO CONTROL FINANCES. The Council shall have

which it relates has been supported by an itemized bill, pay roll or time sheet or other document approved and signed by the responsible City officer who vouches for its corrections and reasonableness.

Section 7.08. ALTERATIONS IN THE BUDGET. After the budget resolution has been adopted, the Council shall not increase the amounts fixed in the resolution beyond the estimated receipts except to the extent that actual receipts exceed the estimate. At any time the Council may, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

Section 7.09. FUNDS. There shall be maintained in the City Treasury a general fund and such other funds as may be required by statute, ordinance or resolution. The Council may, by ordinance or resolution, make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate.

Section 7.10. CITY INDEBTEDNESS. Except as provided in Section 7.11 and 7.12, 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 law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

Section 7.11. TAX ANTICIPATION CERTIFICATES. At any time after January 1, the Council may issue Certificates of Indebtedness in anticipation of the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed 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, but they shall become due not later than April 1 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.

Section 7.12. EMERGENCY DEBT CERTIFICATES. If in any year the receipts from taxes or other sources from some unforeseen cause become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency necessitates the making of extraordinary expenditures, the Council may by ordinance issue on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed three years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificate shall state the nature of the emergency and be approved by a majority vote of the Council. It may be passed as an emergency ordinance.

CHAPTER 8

Public Improvements and Special Assessments

Section 8.01. POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS. The City may make any type of public improvement not forbidden by law and levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The total assessments for any local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. No assessment shall exceed the benefits to the property.

Section 8.02. ASSESSMENTS FOR SERVICES. The Council may provide by ordinance that the cost of city services to streets, sidewalks, or other public or private property may be assessed against property benefited and collected in the same manner as special assessments.

Section 8.03. LOCAL IMPROVEMENT PROCEDURE. When the City undertakes any local improvement to which the state local improvement code applies, it shall comply with the provisions of that law. The Council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefor.

CHAPTER 9

Eminent Domain

Section 9.01. ACQUISITION OF PROPERTY. The City may acquire, by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain, the City shall proceed according to Minnesota Statutes, Chapter 117 or

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(3) An Interest Fund for each issue of bonds, certificates of indebtedness, or other funded obligations of the City, issued for or on account of any public utility, out of which shall be paid the interest thereon.

(4) A Depreciation and Replacement Fund for each utility, out of which may be paid the cost of repairing, replacing, reconstructing, or otherwise maintaining such utility or any machinery, equipment, or other articles or thing pertaining thereto. The Commission, however, shall have the right to use the money in the Depreciation Fund for the purchase of new equipment, if necessary, replacing same with bonds or certificates of indebtedness from the Utilities, which are to be repaid to the fund on the same basis as tho the money was borrowed from a private bank or corporation.

(5) The Commission may from time to time hereafter establish such other funds as in its opinion may be necessary or proper, and provide the means by which they shall be established and maintained and the disbursements to be made therefrom, and may make such other provisions with respect thereto as it deems proper.

Section 11.04. INVESTMENT OF SINKING, INTEREST, AND DEPRECIATION AND REPLACEMENT FUNDS. Sufficient money shall always be retained in each Sinking and Interest Fund to provide for the prompt payment when due of the principal and interest of the obligations for which such fund was created, and there shall also be retained in each Depreciation and Replacement Fund, sufficient money for the reasonable requirements of such fund. Such moneys shall be deposited in the depository or depositories of the City designated by the City Council, or may be invested in Certificates of Indebtedness from other City Funds. No investment of any moneys belonging to any such fund shall be made except by resolution adopted by unanimous vote of the Commission. In order that loss on account thereof may be avoided, it is hereby made the duty of the Commission to make careful inquiry and investigation as to the security of any such investment before the same is made.

CHAPTER 12

General Provisions

Section 12.01. OFFICIAL PUBLICATION. The Council shall annually, at its first meeting of the year, designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published the Council Minutes, Ordinances, Annual Financial Statement, 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 elected or appointed officer of the City shall, before entering upon the duties of 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 (title of office) of the City of New Prague to the best of my judgment and ability".

Section 12.03. OFFICIAL BONDS. The City Administrator, the City Clerk, the City Treasurer, and such other officers or employees of the City as may be specified by ordinance shall each, before entering upon the duties of their respective office or employment, give a corporate surety bond to the City as security for the faithful performance of their official duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as the Council determines and may be either individual or blanket bonds at the discretion of the Council. They shall be approved by the City Council and filed with the City Clerk. The provision of state laws 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. OFFICIAL INTEREST IN CONTRACTS. Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in or personally benefit from such contract.

Section 12.05. SALE OF REAL PROPERTY. No real property of the City shall be disposed of except by ordinance. The net proceeds of any sale of the property shall be used to retire any outstanding indebtedness incurred by the City in the acquisition or improvement of the property. Any remaining net proceeds shall be used to finance other improvements in the capital improvement budget or to retire any other bonded indebtedness.

Section 12.06. VACATION OF STREETS. The Council may by ordinance approved by a majority vote of the Council vacate any street or alley 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.

such election shall be on the basis of merit and experience and subject to the approval of the Council. The Chief of the Fire Department shall also act as Fire Marshall of the City.

CHAPTER 7

Taxation and Finances

Section 7.01. COUNCIL TO CONTROL FINANCES. The Council shall have authority over the financial affairs of the City. It 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.

Section 7.02. FISCAL YEAR. 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 Law, the Council shall have full power to provide by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the State Constitution, by this Charter or by laws imposing restrictions upon the city irrespective of charter provisions.

Section 7.04. SUBMISSION OF BUDGET. Annually the City Administrator shall submit to the Council a recommended budget in accordance with a budget calendar to be established by ordinance or, in the absence of ordinance, by September 1.

The budget shall provide a complete financial plan for the city funds and activities for the ensuing fiscal year and, except as required by law or charter, shall be in such form as the Administrator deems desirable or the Council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the fiscal year, actual and estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. For each utility operated by the City, the budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendixes. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by law and this charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by law.

Section 7.05. CAPITAL IMPROVEMENT PROGRAM. The Administrator shall prepare and submit to the Council a recommended five-year capital improvement program no later than June 1 of each year. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a public hearing on the capital improvement program and adopt it with or without amendment no later than August 15.

Section 7.06. COUNCIL ACTION ON BUDGET. The budget shall be considered at the first regular monthly meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated income. 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 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 the amount of taxes provided in the budget and the Clerk shall certify the tax resolution to the County Auditor in accordance with law not later than October 10. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

Section 7.07. ENFORCEMENT OF THE BUDGET. The City Administrator shall enforce strictly the provisions of the budget. The City Administrator shall not authorize any payment or the incurring of any obligation by the City unless an appropriation has been made in the budget resolution and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. 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 authorized shall be a personal obligation upon the person incurring the obligation. No check shall be issued or transfer made to any account other than one owned by the City until the claim to

CHAPTER 9

Eminent Domain

Section 9.01. ACQUISITION OF PROPERTY. The City may acquire, by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain, the City shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law.

CHAPTER 10

Franchises

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, 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 renewal or modification of a franchise, including an existing franchise, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11

Public Ownership and Operating of Utilities

Section 11.01. ACQUISITION AND OPERATION OF UTILITIES. The City may own and operate any water, gas, light, power, heat, telephone, transportation or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other Governmental agencies. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed. The City shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the Council. Such ordinance shall not be an emergency ordinance. No Public Utility now or hereafter at any time owned by the City, nor any part thereof, shall be sold, leased, or abandoned except by ordinance adopted by a vote of more than 80% of the City Council; and no such ordinance shall become effective until it shall have been submitted to the legal voters of the City at a regular or special election held thereon and approved by two thirds vote of the electors voting thereon at such election.

UTILITIES

Section 11.02. NEW PRAGUE UTILITIES COMMISSION. The City of New Prague Utilities Commission appointed by the City Council shall have sole and exclusive management and control of the Water Works System, the Electric Light Plant, and the Steam Heating System, now owned and operated by the City and of any other utility now or at any time hereafter owned or operated by the City and determined to be a public utility by the City Council.

Section 11.03. DIVISION OF FUNDS. The following funds shall be maintained, for which separate and distinct accounts shall always be kept:
(1) A General Fund for each public utility, out of which shall be paid the ordinary and current expenses of such utility for the payment of which out of some other fund no provision is made. Into this fund shall be paid the current income and revenues and all other moneys and revenues thereof not appropriated or payable to any other fund.
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Section 12.07. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY. The City shall succeed to all the property, rights, and privileges, and shall be subject to all legal obligations of the city under the former charter.

Section 12.08. EXISTING ORDINANCES CONTINUED. All ordinances and regulations of the City in force when this Charter takes effect and not inconsistent with this Charter are continued in full force and effect until amended or repealed.

Section 12.09. PENDING CONDEMNATIONS, IMPROVEMENTS AND ASSESSMENTS. Any condemnation, improvement, 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 as if this Charter had not been adopted.

Section 12.10. ORDINANCES TO MAKE CHARTER EFFECTIVE. The Council shall by ordinance, resolution, or other appropriate action take such steps as may be necessary to make effective the provisions of this Charter.

Section 12.11. PRESENT OFFICERS CONTINUED. The present officers of the City shall continue in their respective offices and functions and shall continue to govern the city under the laws and charter previously in effect until the officers provided for by this charter have been elected and qualify. They shall make such financial and other provisions as will serve to carry on the government until a government has been set up under this Charter.

Section 12.12. TRANSITION PERIOD. The Mayor and the Council Members elected from the wards in April, 1975, shall serve until the city organizational meeting in January 1978. The Council Members whose terms would expire in April 1976, shall serve until the organizational meeting held in January 1976. There shall be an election for Council Members in November 1975. The Council Members elected shall fill the positions held by those Council Members whose terms would expire at the organizational meeting in January 1976, as referred to above. The Council Member-at-Large shall serve to the end of his term and then the office shall expire.

Section 12.13. CHARTER AMENDMENTS. Amendments to this Charter may be made in accordance with the laws of Minnesota regarding amendments to Home Rule.

Section 12.14. This charter becomes effective May 1, 1975.

TO: The City Council

FROM: City of New Prague Charter Commission

We, the undersigned, being heretofore appointed by the Honorable Robert Breunig, Chief Judge of the First Judicial District, State of Minnesota, as and for a Board of Freeholders to prepare a proposed Charter for the City of New Prague, Minnesota, do hereby pursuant to the order of the said Court present to you, the City Council of the City of New Prague, the foregoing document as and for a proposed "Home Rule Charter" of the said City of New Prague, Minnesota.

Dated at New Prague, Minnesota, this 12th day of March, 1975.

Julie Bates
Paul Becker
Benedict J. Bruzek
Mrs. Tony Dorzinski
Thomas Koltavy

Lucille Nickolay
Don Sirek
Ted Smith
Joe Vaughan
Clarence Welter

Members of the Charter Commission

Published: March 20, 27, 1975

May 13, 1975

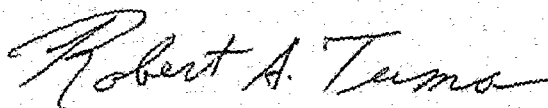
Secretary of State
State Capitol
State Office Bldg.
St. Paul, Minnesota 55155

Dear Sir:

Re: City Charter for
City of New Prague.

Enclosed is a copy of the City Charter for the City of
New Prague as adopted in a City election on April 8, 1975.
This is sent to you for your records. Kindly file the
City Charter.

Yours very truly,



Robert A. Tuma
City Clerk
City of New Prague

Enc.

#28124
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 22 1975
Frank Andrew Howe
Secretary of State