

CITY OF FARIBAULT, MINNESOTA

December 11, 1975

MAYOR
ROBERT C. LARSON

COUNCILMEN

ARTHUR A. HOPKE
Streets and Alleys


GARY A. KINDSETH
Parks, Public Grounds,
Buildings, Fire Department

PAUL N. MUELLENMEISTER
Finance, Accounts, Airport

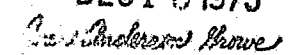
HARLEY J. PETTIPiece
Water Works, Sewers

Joan Growe
Secretary of State
State of Minnesota
180 State Office Bldg.
St. Paul, Minnesota 55155

This is official certification that the attached resolution was adopted by the City Council on December 11, 1975, canvassing the vote held on December 10 on a new charter for the City of Faribault. It is also certified that the attached copy of the charter is a true and accurate copy of the charter proposed by the Charter Commission and approved by over 51% of the voters at the special election held December 10, 1975. Said charter shall be effective January 1, 1976.


Eugene C. Wienske II
City Recorder

28968
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 15 1975


Secretary of State

28968

Resolution 75-132

Whereas, the Faribault Charter Commission certified a proposed charter to the City Council on Tuesday, October 7, 1975, and

Whereas, the Council established a special election on the adoption of said charter in Resolution 75-114, and

Whereas, said special election was held in compliance with Resolution 75-114 and M.S.A. 410.10--410.11, and

Whereas, the Council, having canvassed the returns from the special election for the purpose of the adoption of the proposed charter have found the votes cast to be as follows:

<u>District</u>	<u>Total</u>	<u>Yes</u>	<u>No</u>
1	73	54	19
2	103	40	63
3	225	93	132
4	266	164	102
5	310	228	82
6	195	106	89
Total	1,172	685	487

Whereas, over 51% of the votes cast on the proposition are in favor of the proposed charter,

THE COUNCIL OF THE CITY OF FARIBAULT DO RESOLVE:

That it is declared that the proposed charter is hereby adopted.


BE IT FURTHER RESOLVED:

That the City Recorder is hereby directed to file a copy of the adopted charter with the Secretary of State and the County Register of Deeds.

Adopted:


Mayor

Attest:


Recorder

PROPOSED CHARTER
CITY OF FARIBAULT

Faribault Charter Commission

Henry Otto - Chairman

#28968

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 15 1975
James Anderson Howe
Secretary of State

CHAPTER 1

Name, Boundaries, Powers, and General Provisions

Section 1.01. Name and boundaries. The City of Faribault, in the County of Rice and State of Minnesota, shall, upon the taking effect of this charter, continue to be a municipal corporation, under the name and style of the City of Faribault, 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 Constitutions of this State and of the United States. It is the intention of this charter that every power which the people of the City of Faribault 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-Administrator Plan". The council shall exercise the legislative power of the City and determine all matters of policy. 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 all affairs relating to the city.

Section 2.02. Boards and commissions. There shall be no separate administrative board of health, library board, or any other administrative board or commission except for the administration of a function jointly with another political subdivision. The council shall itself be and perform the duties and exercise the powers of such boards and commissions provided for by statute. The council may, however, establish 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 composition and election. The council shall be composed of a mayor and six councilmen who shall be qualified electors and who shall be elected at large. Each councilman shall serve for a term of

four years and until his successor is elected and qualifies except that at the first election held after the adoption of this charter four candidates shall be elected. The three candidates having the highest number of votes shall serve for a term of four years and the fourth candidate shall serve a term of two years together with the two councilman elected to office at the last election prior to the adoption of this charter. The mayor shall serve for a term of four years and until his 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 his term as mayor or councilman no former member shall be appointed to any paid appointive office or employment under the City which was created or the compensation for which was increased during his term as councilman.

Section 2.05. Vacancies. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of the membership in the council for a period of three months. In each case the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term.

Section 2.06. The mayor. The mayor shall preside at meetings of the council and shall have a vote as a member. The council shall choose from its members a president pro tem who shall hold office at the pleasure of the council. He shall serve as president in the mayor's absence and as 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 he shall have no administrative duties.

Section 2.07. Salaries. The mayor and councilmen 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 public accountant, except that at least once in every four years, such audit shall be conducted by that state department in charge of such work. 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 as provided in Section 6.02, Subdivision 3, neither the council nor any of its members shall dictate the appointment or removal of any departmental administrator or employee, but the council may express its views and freely discuss with the administrator any thing pertaining to the appointment and removal of officers and employees. Except for the purpose of inquiry and investigation under Section 2.08, the council and its members shall deal with and control city departmental administrators 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.

CHAPTER 3

Council Procedure

Section 3.01. Council meetings. The council shall meet regularly at least twice each month at such times and places as the council may designate by rule. 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. 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 3.02. Secretary of the council. The city council shall appoint a secretary who shall keep a journal of official actions 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 3.03. 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 3.04. 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 of a majority of all the members of the council shall be required for the adoption of all ordinances and resolutions.

Section 3.05. 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 Faribault ordains". Every proposed ordinance, except an emergency ordinance shall receive two separate readings, one at each of two regular sessions, previous to its passage. However, the second reading may occur at the same session as the one in which the enactment occurs.

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 declared in a preamble and the ordinance is adopted by a vote of at least five members of the council.

Section 3.07. 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 3.08. Signing and publication of ordinances and resolutions. Every ordinance or resolution passed by the council shall be signed by the mayor, attested by the city administrator and filed and preserved by him. 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 3.09. 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 3.10. 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 3.11. 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 office of the city administrator for general distribution to the public free or for a reasonable charge. Publication in such a code shall be sufficient of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the city administrator is published in the official newspaper once per week for at least two successive weeks.

CHAPTER 4

Nominations and 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 even-numbered year commencing in 1976 at such place or places as the city council may designate. The city administrator shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but irregularities in giving such notice shall not invalidate the election.

Section 4.02. Special election. The council may by resolution order a special election and provide all means for holding it. The administrator shall give at least two weeks published notice of a special election. 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 6 weeks or later than 4 weeks before the municipal election, any voter of the City qualified under the State Constitution for elective office may, by filing an affidavit and paying a proper fee for filing to the city administrator to have his 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 this charter, to propose ordinances to be submitted to a vote by processes 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 for mayor in the last preceding 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. Each signer shall sign his name and give his street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is the 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 his name by a statement in writing filed with the city administrator before the administrator advises the council of the sufficiency of the petition.

Section 5.03. Determination of sufficiency. Immediately upon receipt of the petition, the city administrator shall examine the petition as to its sufficiency and report to the council within 20 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 city administrator 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 city administrator shall file the petition in his office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the council from referring the ordinance to the 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 the 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 city administrator 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 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 election occurring in the City. If no election is to occur within 120 days after the filing of the petition, the council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the ordinance vote in its favor, it shall become effective 30 days after adoption unless the ordinance specifies a later effective date.

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. Any ordinance upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. 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 go into effect immediately or on the date specified in the ordinance; if a majority of the electors voting thereon votes against the ordinance, it shall be considered repealed upon certification of the election results. If a petition is filed against an emergency ordinance, the ordinance shall remain in effect but shall be repealed if a majority of the voters voting on the ordinance vote against it.

CHAPTER 6

Administration of City Affairs

Section 6.01. The city administrator. The city administrator shall be the chief administrative officer of the City. He shall be chosen by the council solely on the basis of his training, experience, executive, and administrative qualifications. He need not be a resident of the City at the time of his 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 he has served as administrator for one year, he may demand written charges and a public hearing on the charges before the council prior to the date when his final removal takes effect. After the hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the administrator or make his removal final. Pending the hearing and removal, 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 his absence or disability or while the office is vacant.

Section 6.02. Powers and duties of the city administrator.

Subdivision 1. The city administrator shall be responsible to the council for 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, suspend or remove upon the basis of merit or fitness alone all employees of the City except that he shall receive council approval to either appoint, suspend or remove departmental administrators established by ordinance.

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 and may take part in discussion but not 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 deems 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 on the financial condition and needs of the City, and he shall prepare and submit to the council the annual budget and capital program.

Subdivision 8. He 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.

Subdivision 9. He shall perform such other duties 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.

Section 6.04. Subordinate officers. There shall be officers subordinate to the city administrator as the council may establish by ordinance. 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. 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. All other purchases shall be made and all other contracts let by the council after the recommendation of the city administrator has first been obtained. 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 letter 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. 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 his recommended budget in accordance with a budget calendar to be established by ordinance.

The budget shall provide a complete financial plan for all 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 current 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. 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. 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. The 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.

Section 7.06. Council action on budget. Council meetings for the adoption of a budget for ensuing year shall be conducted so as to give interested citizens a reasonable opportunity to be heard. The council may revise the proposed budget but no amendment shall increase the authorized expenditures to an amount greater than the estimated income. The council shall adopt the budget 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 administrator shall certify the tax resolution to the County Auditor in accordance with State Statutes. 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. He 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. No check shall be issued or transfer made to any account other than one owned by the City until the claim to which it relates has been supported by an itemized bill, payroll, or timesheet, or other document approved and signed by the responsible City officer who vouches for its correctness 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 the 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 by 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 Sections 7.11 through 7.16, no obligations shall be issued to pay current expenses, but the council may by resolution approved by five (5) of its members issue obligations without approval of the voters; however, the city may not issue such obligations for at least 30 days after the last publication in the official newspaper of a council resolution determining so to do; and, if before the end of that time a petition asking for an election on the proposition signed by registered voters equal to 5 per cent of the number of voters at the last regular city mayoral election is filed with the administrator, the city may not issue such obligations until the proposition has been approved by a majority of the votes cast on the question at a regular 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 state and federal aids and 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 state or federal aids or 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 fund against which 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 shall 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 certificates shall state the nature of the emergency and be approved by at least five members of the council. It may be passed as an emergency ordinance.

Section 7.13. Industrial and commercial promotion and development.
In addition to the powers otherwise granted by Minnesota laws and this charter, the City of Faribault shall have the power to acquire by purchase, gift, or devise, and develop, on such terms as the city council may in its sole discretion from time to time, all necessary right, title and interest in and to land, including air rights, and any buildings and equipment thereon, necessary or desirable for the purpose of promoting industry, and providing employment and in order to promote, attract, encourage and develop economically sound industry and commerce through governmental action for the purpose of preventing so far as possible, the emergence of blight and marginal lands of chronic unemployment.

Section 7.14. If the acquisition and development of lands acquired pursuant to Section 7.13 is paid for from the proceeds of general obligation bonds, the development of such lands may include provisions for utility services, including water, sanitary sewers, storm sewers or other drainage facilities, and incidental to the use of such lands for the foregoing purposes, but except with respect to such facilities may not include provision for the construction of structures or buildings on the premises or the furnishing or equipment thereof. If acquisition and development are paid for from the proceeds of general obligation bonds, such bonds shall be authorized by ordinance and issued, sold and accounted for in the manner and upon the terms, conditions, and provisions prescribed by Chapter 475 Minnesota Statutes and acts amendatory thereof and supplemental thereto.

Section 7.15. Notwithstanding any other provision of this charter to the contrary, any properties acquired or owned by the City and not required for municipal purposes may be sold or leased without approval of the electorate to achieve the purposes set forth in Section 7.13 above on such terms and conditions as the city council in its sole discretion shall determine. When such property is sold or leased to non-governmental corporations or agencies, it shall not be exempt from taxation.

Section 7.16. Nothing contained herein shall be construed to restrict the power and authority of the City to develop, lease, and sell property acquired pursuant to this charter in accordance with the further provisions of Chapter 474, Minnesota Statutes, as amended or supplemented, or such other laws as may from time to time be adopted, or to restrict in any way the powers granted to the City under Chapter 474, Minnesota Statutes, and acts amendatory and supplemental thereto or such other laws as may from time to time be adopted.

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 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 therefore 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 administrator 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 Operation 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 construct it has been incorporated in an ordinance and adopted by the council and approved by a majority of the electors voting on the proposition at a general or special election.

Section 11.02. Regulations and rates. The council may by ordinance fix rates, fares, and prices for any municipal utility, prescribe the time and manner of payment for such service, make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

Section 11.03. Lease of plant. The council may by ordinance contract with any person, firm, or corporation for the operation of any municipal utility for a term not to exceed ten years. Such ordinance shall not be an emergency ordinance.

Section 11.04. Sale of public utility. 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 voters voting thereon at a general or special election. Any sale, lease or abandonment of a water works or light plant shall be subject, in addition, to the requirements of state law.

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 ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.

Section 12.02. Oath of office. Every elected or appointed officer of the City shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this State and to discharge faithfully the duties devolving upon me as . . . (title of office) of the City of Faribault to the best of my judgment and ability."

Section 12.03. Official bonds. The city administrator and such other officers or employees of the City as may be specified by ordinance shall each, before entering upon the duties of his respective office of employment, give a corporate surety bond to the City as security for the faithful performance of his 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 in the discretion of the council. They shall be approved by the city council and filed with the city administrator. The provisions 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 cash 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 at least five members of the council vacate any street or alley or other public ways therein within the City. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper County officers in accordance with law.

Section 12.07. 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 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 for the next succeeding fiscal year as will serve to carry on the government until a government has been set up under this charter, and they shall make provision for the election of the first city council as provided in Chapter 4 of this charter.

Section 12.12. Chapter 4 becomes effective 30 days following adoption of this charter. The remainder of this charter becomes effective on January first of the year following its adoption.

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O.D.