

PROPOSED CHARTER

for the

City of Springfield

Minnesota



Framed by the

Board of Freeholders

And Delivered to the Mayor on August 11, 1923

3028

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STATE OF MINNESOTA
COUNTY OF BROWN
VILLAGE OF SPRINGFIELD

I hereby certify that the annexed copy of the proposed city charter for the City of Springfield, Brown county, Minnesota, was duly delivered by the Board of Freeholders, appointed by the Judge of the District Court of this District, to the Village Council of the Village of Springfield, Brown County, Minnesota, on August 11th, 1923; that at a regular meeting of the said Village Council held on Monday, September 10th, 1923, a special election was duly ordered and called by said Village Council, to vote on the adoption of said charter, the said election to be held in the said Village of Springfield on Tuesday, October 16th, 1923, between the hours of nine o'clock a.m., and five o'clock p.m. on said day, and that notices of said special election were duly posted at three principal places in said Village at least ten days prior to said election date, as appears by the affidavit of A. C. Mueller, Village Recorder of said Village, on file in the office of the Village Recorder of said Village, and that said notice was also published once in the "Springfield-Advance Press", the official newspaper for said Village, printed and published in said Village, on Wednesday, the third day of October, 1923, as appears by the affidavit of publication on file in the office of the said Village Recorder. That the polls were opened at nine o'clock a.m., on said 16th day of October, 1923, and kept open continuously until five o'clock p.m., on that day. That on October 17th 1923, the said Village Council met as a canvassing board and duly canvassed the said special election and found that there were cast at such election a total of 406 votes, of which number 308 were cast in favor and 98 were cast against the adoption of the said proposed charter, and that the said charter was duly ratified and adopted at such election.

WITNESS my hand and the corporate seal of the Village of Springfield, Brown county, Minnesota, this 18th day of October, 1923, at Springfield, Minnesota.

Louis Kreitzinger
President of the Village Council of
the Village of Springfield, Minne-
sota, a municipal corporation.

The Charter of the City of Springfield

Brown County, Minnesota

CHAPTER 1.

NAMES, BOUNDARIES, POWERS AND GENERAL PROVISIONS.

Section 1.—NAME AND BOUNDARIES: Upon the taking effect of this Charter, the Village of Springfield, in the County of Brown, and State of Minnesota, shall become a City under the name and style of CITY OF SPRINGFIELD, in Brown County, Minnesota, and shall continue to be a municipal corporation with the same boundaries as now are or hereafter may be established.

Section 2.—The subdivisions of land included in and constituting the City of Springfield, Minnesota, shall be as follows, to-wit:

The north half of section number nineteen (19), and the south half of section number eighteen (18), and the west half of the southwest quarter of section number seventeen (17), all in township number one hundred nine (109), north of range number thirty-four (34), in Brown County, Minnesota.

Section 3.—WARDS. The City of Springfield, Brown County, Minnesota, shall be divided into two wards, and the center line of Marshall street in said City extended to the north and south limits of said City, shall be the dividing line between said two wards. That portion of the City lying to the East of said center line of Marshall street shall be known as Ward Number One (1), and that portion of the city lying to the west of said center line of Marshall street shall be known as Ward Number Two (2) of the City of Springfield.

Section 4.—POWERS OF CITY:

The City of Springfield, by and in its corporate name shall have perpetual succession; and save as herein otherwise provided and save as prohibited by the constitution or statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights and privileges possessed by it prior to the adoption of this Charter; also all powers, functions, rights and privileges now or hereafter given or granted to municipal corporations having "Home Rule Charters," by the constitution and laws of the State of Minnesota; also all powers, functions, rights and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights and privileges and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restriction contained in this Charter. In its corporate name it may take, and hold, by purchase, condemnation, gift or devise, and lease and convey any and all such real estate, personal or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable and for all other legitimate purposes.

Section 5.—CONSTRUCTION OF THIS CHARTER: The provisions of this Charter shall be construed liberally in favor of the city, to the end that it may have all necessary powers for the efficient conduct of its municipal

affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the State of Minnesota. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

Section 6.—CHARTER A PUBLIC ACT: This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

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CHAPTER 2.

FORM OF GOVERNMENT.

Section 7.—FORM OF GOVERNMENT: The form of government established by this Charter shall be known as the "Council and Mayor Plan." All powers of the city shall vest in and be exercised by the city council, subject to the initiative, referendum and recall powers of the people.

Section 8.—CITY MANAGER: The council may by ordinance passed by a majority vote, provide for a city manager, and regulate his powers and duties. The city manager must be a competent person, but need not be a resident or citizen of the State when engaged. He shall be given full control and management of the administrative departments of the city and shall be given the power to appoint and remove all employes working under his direction. He shall be responsible to the council and subject to its order and discretion. He may be removed at any time by the majority vote of the council and written notice stating the cause.

Section 9.—DEPARTMENTAL BOARDS: There are hereby established, and it is made the duty of the council, at its first regular meeting after the annual election of its members, to designate by a majority vote, one councilman to be superintendent of accounts and finances; one to be

superintendent of streets and alleys; one to be superintendent of sewers, waterworks and light plant; one to be superintendent of parks, public grounds, buildings and fire protection, and one to be superintendent of amusements, band and celebrations, but such designations may be changed whenever it appears that the public service would be benefitted thereby. Provided, however, that no superintendent of any of the departmental boards above enumerated, or such others as may be designated, shall have the power to contract debts to bind the city, or make any improvements in said city, unless authorized by a majority vote of the council.

The council may also create temporary commissions with advisory powers to investigate any subject of interest to the municipality, and also a commission to prepare a city plan, subject to the approval of the council. Such commissions may be given the power to administer oaths and compel the attendance of witnesses and the production of books, papers and other documentary evidence.

Section 10.—ELECTIVE OFFICERS: The elective officers of the City of Springfield shall be: A mayor, two councilmen from each ward, one councilman-at-large, city treasurer, two constables, and as long as there shall be no municipal court established in the city, two justices of the peace. The mayor, councilman-at-large, city treasurer, justices of the peace and constables shall be actual residents and voters of the city. There shall be two councilmen elected from each ward, each of whom shall be qualified voters and actual residents from the ward from which he is elected.

Section 11.—TERM OF OFFICE:
Mayor—The term of the mayor shall be two years in the first instance after the adoption of this charter, and two years each term thereafter.

Councilman—The term of one councilman for each ward shall be one year, and one councilman from each ward for two years, at the first election after the adoption of this charter, and

thereafter one councilman is to be elected annually, for a term of two years, from each of said wards.

Councilman-at-Large—The term of the councilman-at-large shall be one year for the first term, and two years per term thereafter.

City Treasurer—The city treasurer shall be elected annually.

Other Elective Officers—All other elective officers of the city shall be elected for such terms as is provided by the laws and constitution of the State of Minnesota.

Each elective officer shall serve until his successor is elected and has qualified.

Section 12.—APPOINTIVE OFFICERS: At the first meeting after the annual election, the council shall appoint the following officers, who shall hold office for a term of one year, and until his successor is appointed and has qualified, or is removed:

City Clerk,
City Assessor,
City Attorney,
Chief of Police.

Each of said officers shall be a resident and qualified voter of the city.

Section 13.—OTHER OFFICERS: The city council may, from time to time, appoint such other officers, employes or servants for said city, as may be deemed proper for the management and operation of municipal affairs, and may prescribe their duties and obligations.

Section 14.—INCOMPATIBLE OFFICES: No member of the council shall be appointed city manager, nor shall any member of the council 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 office or employment under the city which office or employment was created, or the emoluments of which were increased during his term of office.

Section 15.—VACANCIES IN THE

COUNCIL: A vacancy in the council shall be deemed to exist in case of 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 death, resignation, removal from office, removal from the city, continuous absence from the city for more than six months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case the council may by resolution declare such vacancy to exist and shall forthwith appoint an eligible to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term; provided, that any vacancy resulting from a recall election or from a resignation following the filing of a recall petition and any vacancy in the office of mayor shall be filled in the manner provided in such case.

Section 16.—DUTIES OF MAYOR: The mayor shall be the chief executive of the city, and the presiding officer of the council, and shall be the executive head of the health department, police department, sanitation department and general welfare. In the absence of the mayor, death, resignation, disability to act, or absence from the city, the council shall appoint a president pro tempore, to act in his stead. All appointments made in the above departments by the mayor shall be confirmed by a majority vote of the council. In case the council shall not confirm such appointments by a majority vote, then and in that case, the council may by a four-fifths vote make such appointments as they deem proper, without the mayor's consent. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purpose of military law. He shall study the operations of the city government and

shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. In time of public danger or emergency he may, with the consent of the council, take command of the police, maintain order, and enforce the law. In the event of a vacancy in the office of the mayor, whether by death, resignation, or any other cause, the council shall order a special election to fill the vacancy for the unexpired term, but in the case of a recall, the vacancy shall be filled in the manner provided in this Charter. And provided further, that in case of resignation, death, or removal from the city by the mayor within six months from the expiration of his term of office, then and in such case the president pro tempore of the council shall serve out and fill the unexpired term of the office of mayor. In case of a tie vote on the council, the mayor shall have the deciding vote.

Section 17.—VETO POWER: All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same; and such as he shall not sign, he shall return to the city council with his objections thereto, by depositing with the city clerk, to be presented to the city council at their next regular meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the vote by which the same was passed may be reconsidered, and if after such reconsideration, the city council shall pass the same by a vote of four-fifths of the members elected, it shall have the same force and effect as if approved by the mayor; and in such case the vote shall be by ayes and nays, which shall be entered in the records. If any ordinance or resolution shall not be returned by the mayor within five days (Sunday excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Section 18.—SALARIES: The members of the council shall serve without compensation, except that when meet-

ing as a board of equalization they shall receive fifty cents per hour for the actual time spent in their work, provided, however, that the council may, by a four-fifths vote create a contingent fund to cover the actual expenses incurred by the mayor or council in the performance of their official duties.

Section 19.—INVESTIGATIONS OF CITY AFFAIRS: The council or either of them, and any officer or officers formally authorized by them or either of them, shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council may at any time provide for the examination or audit of the accounts of any officer or department of the city.

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CHAPTER 3.

PROCEDURE OF COUNCIL.

Section 20.—COUNCIL MEETINGS: On the first Monday after the second Tuesday in March, 1924, and annually thereafter, following the regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected members shall assume their duties. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. The mayor, or any three members of the council, may call special meetings of the council upon reasonable notice given to each member of the council. Such notice shall be delivered personally to each member of the council or shall be left with some responsible person at the member's usual place of abode, residence, or place of business. All meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 21.—CITY CLERK: The council shall choose the city clerk to act as secretary of the council, and

such other officers and employes as may be necessary to serve at its meetings. The city clerk shall keep such records and perform such duties as may be required by this charter or by vote of the council. The council may designate any official or employe, or any member of the council to act as city clerk pro tempore, in the absence of the city clerk.

Section 22.—RULES OF PROCEDURE AND QUORUM: The council shall determine its own rules and order of business, and shall keep a journal of its proceedings. A majority of all members elected shall constitute a quorum to do business, but a less number, may adjourn from time to time. The council shall provide by resolution a means by which a minority may compel the attendance of absent members.

Section 23.—ORDINANCES, RESOLUTIONS AND MOTIONS: Except as in this Charter otherwise provided, all legislation and all appropriations of money shall be by ordinance, save where an obligation has been incurred by ordinance, payment thereof may be ordered by resolution if the amount exceeds the sum of five hundred dollars, or by ordinary motion if the amount involved is less than that sum, and save also that licenses may be granted, property acquired for public use, and local improvements ordered, by resolution. Every final vote upon all ordinances, resolutions and motions, and upon all amendments thereto, shall be by ayes and nays and the vote of each member shall be recorded in the minutes. The votes of at least three members shall be required for the passage of all ordinances, resolutions and motions, except as otherwise provided in this Charter.

Section 24.—PROCEDURE ON ORDINANCES: The enacting clause of all ordinances passed by the council shall be in the words, "The City of Springfield, Minnesota, does ordain." Every ordinance shall be presented in writing. Every ordinance other than emergency ordinances, shall have two

public readings in full, and at least three days shall elapse between the first and second readings thereof. Every ordinance appropriating money in excess of five hundred dollars, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, shall remain on file in the office of the city clerk at least one week, and shall be published at least once in the official newspaper of the city or posted on official bulletin boards in the manner provided by this Charter, before its final passage, except in the case of emergency ordinances or resolutions.

Section 25.—EMERGENCY ORDINANCES AND RESOLUTIONS: An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in a preamble thereto, separately voted upon, and agreed to by at least three members of the council, as recorded by ayes and nays. An emergency ordinance or resolution must be in writing but may be enacted without previous filing or publication. No grant of any franchise shall be construed to be an emergency ordinance or resolution.

Section 26.—PROCEDURE ON RESOLUTIONS: Every resolution shall be presented in writing, and read in full before a vote is taken thereon unless the reading of a resolution is dispensed with by unanimous consent.

Section 27.—SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS: Every ordinance or resolution passed by the council shall be signed by the mayor or by two council members, and shall be filed with the city clerk within two days after its passage, and by him recorded and preserved. Every ordinance must, and every resolution may, be published at least once in the official newspaper of the city within fifteen days after its passage by the council, or in lieu thereof may be posted on

bulletin boards as in this charter provided, and shall be recorded in a book kept for that purpose, which record shall be attested to by the city clerk; provided that the publication of resolutions not involving the expenditure of money may be dispensed with if so ordered by the council.

Section 28.—WHEN ORDINANCES and RESOLUTIONS TAKE EFFECT: Emergency ordinances and resolutions, and ordinances and resolutions making the annual tax levy, determining the annual budget, and providing for local improvements and assessments, shall take effect immediately upon their passage. All other ordinances and resolutions enacted by the council shall take effect thirty days after the date of their passage, unless a later date is fixed therein, in which event they shall take effect at such later date. Ordinances and resolutions adopted by the electors of the city shall take effect at the time fixed therein, or, if no such time is designated therein, then immediately upon the adoption thereof.

Section 29.—AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS: No ordinance or resolution or section thereof shall be amended or repealed by reference to its title alone, but such amending and repealing ordinance or resolution shall contain verbatim the ordinance or resolution or section thereof to be amended or repealed, together with the amended form thereof in case of amendment, and the amended or repealing ordinance or resolution shall be published, passed and acted upon as other resolutions or ordinances are hereinbefore provided for.

Section 30.—FINES AND PUNISHMENTS: Fines, penalties and punishments imposed by the city council for breach or violation of any ordinance, law or regulation of said city, may extend to a fine not exceeding one hundred dollars (\$100.00), and costs, or imprisonment not exceeding ninety (90) days, or both, and offenders against the same may be required

to give security for their good behavior and to keep the peace for a term not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500.00).

Section 31.—OFFENDERS PUT TO LABOR: The city council may also provide by ordinance that anyone convicted of an offense before a justice of the peace or a municipal judge of said city, subjecting such offenders to imprisonment under the Charter and ordinances of said city, may be kept at hard labor in any work house established or designated for that purpose, or in case of a male offender, may be kept at hard labor during the term of imprisonment in such workhouse or upon the streets, highways or public works, or improvements of said city, or both, and may also provide by ordinance, that anyone convicted of an offense before a justice of the peace or a municipal judge, and committed upon non-payment of the fine imposed, may be kept at hard labor in any workhouse in said city, and in case of a male offender may be kept at hard labor either in such workhouse or upon the public streets, highways, public works or improvements, or upon a pile of rocks or stone owned by said city and crushing or breaking the same, until such person shall work out the amount of such fine at such rate of compensation as the said justice of the peace or municipal judge, or the city council may by ordinance prescribe, for a time not exceeding said commitment, and the city council shall have the power to establish, by ordinance or otherwise, all useful rules and regulations for the security of such persons thus employed, and to prevent their escape and secure proper discipline.

CHAPTER 4.

NOMINATIONS AND ELECTIONS.

Section 32.—THE REGULAR MUNICIPAL ELECTION: The regular municipal election shall be held on the second Tuesday in March, 1924, and

annually thereafter at such place or places as the city council may designate. At least fifteen days previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by posting a notice thereof in at least two public places in each ward, in said city, and by publishing a notice thereof at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

Section 33.—SPECIAL ELECTIONS: The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform to that herein provided for other municipal elections.

Section 34.—JUDGES and CLERKS OF ELECTION: The council shall at least ten days before each municipal election appoint three qualified voters of each election district to be judges of election therein. The judges of each election district shall appoint two qualified electors of the same district, or as many more as may be authorized by the council, to serve as clerks of election.

Section 35.—NOMINATIONS BY PETITION: The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any elector of the city shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the city clerk. Such petition shall be signed by a number of electors of said city equivalent to at least five per cent of the total number of votes cast at the last regular municipal election for that office. The petition must, however, come from the ward which the candidate represents, but the nomination petition for the mayor, the councilman-at-large, treasurer and other elective officials may be signed by electors of either or both wards. No elector shall sign petitions for more candidates than the number of places

to be filled at the election, and should he do so, his signature shall be void as to the petition or petitions last filed. All nomination petitions shall be in the hands of the city clerk at least ten days before the election, and the same may have a declaration of the candidates' principles attached. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Section 36.—NOMINATION PETITIONS: The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place or residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION.

We, the undersigned electors of the City of Springfield, Minnesota, hereby nominate _____, whose residence is Springfield, Minnesota, for the office of _____, to be voted for at the election to be held on the _____ day of _____ 19____; and we individually certify that we are qualified electors and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name:	Street and Number.
1.....
2.....
3.....
4.....
5.....

....., being first

duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing signatures and that the signatures thereto appended were made in his presence and are the genuine signatures of the persons whose names they purport to be.

Subscribed and sworn to before me this day of 19.....

This petition, if found insufficient by the city clerk, shall be returned forthwith to the circulator thereof for correction.

Section 37.—CANVASS OF ELECTION: The council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled and defective ballots; (c) the vote of each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election, and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election.

Section 38.—PROCEDURE AT ELECTIONS: The conduct of elections shall be regulated by ordinance, subject to the provisions of this Charter and of the general laws of the State of Minnesota.

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CHAPTER 5.

INITIATIVE, REFERENDUM AND RECALL.

Section 39.—POWERS RESERVED BY PEOPLE: The people of the city of Springfield, Minnesota, reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt ordinances and reso-

lutions, to require measures passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the Initiative, the Referendum, and the Recall, respectively.

Section 40.—EXPENDITURES BY PETITIONERS: No member of any initiative, referendum, or recall committee, nor circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring an expense not to exceed twenty dollars for legal advice, stationery, copying, printing and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

Section 41.—FURTHER REGULATIONS: The council shall as soon as possible after the organization of the city government under this charter, provide by ordinance such further regulations for the initiative, referendum and recall, not inconsistent with this charter, as may be deemed necessary. Such ordinance shall include the relevant provisions of this charter.

INITIATIVE.

Section 42.—INITIATION OF MEASURES: Any five electors may form themselves into a committee for the initiation of any measure of public concern. After formulating their measure they shall file a verified copy thereof with the city clerk, together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Section 43.—FORM OF PETITION AND OF SIGNATURE PAPERS: The petition for the adoption of any measure shall consist of the measure, together with all the signature papers

and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten per cent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

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

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

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

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

Section 44.—FILING OF PETITION AND ACTION THEREON: All the signature papers shall be filed in the office of the city clerk as one instrument. Within five days after the filing of the petition the city clerk shall ascertain by examination the number of electors whose signatures are appended thereto, and whether this number is at least ten per cent of the total number of electors who cast their votes at the last preceding regular

municipal election. If he finds the petition insufficient, or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given thirty days in which to file additional signature papers, and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the clerk shall file the same in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the measure to the electors at the next regular or any special election.

Section 45.—ACTION OF COUNCIL ON PETITION: Whenever the petition shall be found to be insufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners, and the percentage of the total number of voters which they constitute, and the council shall at once read the measure and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the council not later than sixty-five days after the date upon which such measure was submitted to the council by the city clerk. If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted to the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least fifteen per cent of the total number of voters voting at the last regular municipal election, then the council shall call a special election upon the measure to be held not less than thirty nor more than forty-five days from such date, unless a regular election is

to occur within three months, in which case it may be submitted at such regular municipal election. In case the council passes the proposed measure with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such measure in amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the measure need not be submitted to the electors.

Section 46.—INITIATIVE OF BALLOTS: The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "for the measure," or "against the measure." If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the city, as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately.

Section 47.—INITIATION OF CHARTER AMENDMENTS: Nothing in this charter contained shall be construed as in any way affecting the right of the electors under the constitution and the statutes of Minnesota to propose amendments to this charter.

REFERENDUM.

Section 48.—THE REFERENDUM: If prior to the date when an ordinance or resolution takes effect, a petition signed by qualified electors of the city, equal in number to fifteen per cent of the total votes cast at the last regular municipal election be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said measure shall thereby be prevented from going into operation. The council shall thereupon reconsider the said measure at its next regular meeting, and either repeal the same, or repeal the sections thereof to

which objection has been raised by the petitioners, or by aye or naye vote reaffirm its adherence to the measure as passed. In the latter case the council shall immediately order an election to be held thereon, pending which the ordinance or resolution shall remain suspended. If a majority of the voters voting thereon are opposed to the measure, it shall not become effective; but if a majority of the voters voting thereon favor the measure, it shall go into effect immediately or on the date therein specified.

Section 49.—REFERENDUM PETITIONS: The requirements laid down in sections 42 and 43 above as to the formation of committees for the initiation of measures and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

REFERENDUM PETITION

proposing the repeal of an ordinance, or resolution as the case may be, stating the purpose of the measure, a copy of which ordinance, or resolution is hereto attached. The proposed repeal is sponsored by the following committee of electors:

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

The undersigned petitioners understanding the nature of the measure hereto attached, and believing it to be detrimental to the welfare of the city, petition the council for its submission to a vote of the electors for their approval or disapproval:

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

Section 50.—REFERENDUM BALLOTS: The ballots used in any referendum election shall conform to the rules laid down in section 46 of this charter for initiative ballots.

RECALL.

Section 51.—THE RECALL: Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city, except municipal judges. The committee shall certify to the city clerk the name of the officer whose removal is sought, stating the grounds for removal in not more than two hundred fifty words and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature papers shall be put into circulation previous to such certification.

When a councilman is to be recalled through a petition, the petition must come from the ward from which the councilman represents the electorate. If the mayor, treasurer, or councilman-at-large is to be recalled, then the signers on the petition may be from one ward, or both wards, of the city.

Section 52.—RECALL PETITION: The recall petition for any official, except municipal judges, shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

RECALL

proposing the recall of
from his office, as
which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

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

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose:

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

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

Section 53.—FILING OF PETITION: Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the same within the next five days and if he finds it irregular in any way, or finds that the number of signers is less than twenty-five per cent of the total number of electors who cast their votes at the last preceding regular municipal election for that particular office, he shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still insufficient, or irregular, he shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

Section 54.—RECALL PETITION: If the petition or amended petition be

found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition, and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 55.—PROCEDURE AT RECALL ELECTION: In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall, and also, in not more than five hundred words, the answer of the officer concerned in justification of his course of conduct in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Section 56.—FORM OF RECALL BALLOT: Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be, as near as may be: "Shall A be recalled?" the name of the officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "yes" or "no," upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not himself be a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he shall be thereby removed from of-

ice, and in that event the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at the regular municipal election.

Section 57.—NOT APPLICABLE TO MUNICIPAL JUDGES: This chapter shall in no way apply to municipal or special municipal judges.

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CHAPTER 6.

ADMINISTRATION OF CITY AFFAIRS:

Section 58.—COUNCIL ADMINISTRATION: The entire management and administration of the city affairs, including all executive and administrative powers, authority and duties, except such executive authority as may be by this charter vested in the mayor as the chief executive of the city, shall be vested in the city council.

Section 59.—DEPARTMENT OF ADMINISTRATION: The council may create such departments, divisions and bureaus for the administration of the city's affairs as may seem necessary and from time to time alter the powers and organization of the same. It shall in conjunction with the city mayor, prepare a complete administration code for the city, and enact the same in the form of an ordinance, which may be amended from time to time by ordinance.

Section 60.—SUBORDINATE OFFICERS: There shall be such subordinate officers as the council may create by ordinance. The city clerk shall be subject to the direction of the city council and shall have such duties in connection with the keeping of the public records, the custody and disbursement of public funds, and the general administration of the city's affairs as shall be ordained by the

council. He may be designated to act as secretary of the council. The council may by ordinance abolish offices which have been created by ordinance, and it may combine various offices as it may deem fit, and which are not incompatible under the laws of this state.

Section 61.—PURCHASES AND CONTRACTS: All the purchases on the behalf of the city shall be made, and all contracts let, by the city council. All such contracts, bonds, and instruments of every kind to which the city shall be a party shall be signed by the mayor and countersigned by the city clerk on behalf of the city, and shall be executed in the name of the city.

Section 62.—CONTRACTS (HOW LET): In all cases of work to be done by contract, or of the purchase of property of any kind, when the amount involved is more than five hundred dollars, unless the council, by an emergency resolution shall provide otherwise, it shall advertise for bids in the official paper of the city. Contracts shall be let to the lowest reliable and responsible bidder, provided, however, the council may reject any or all bids. Nothing contained in this section shall prevent the council from contracting by a four-fifths vote for the doing of work with patented processes, or from purchasing patented appliances by the same majority. The council shall regulate the making of bids and letting of contracts by ordinance.

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CHAPTER 7.

TAXATION AND FINANCE.

Section 63.—COUNCIL TO CONTROL FINANCES: The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursements of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 64.—FISCAL YEAR: The fiscal year of the city of Springfield shall end on the first day of March in each year.

Section 65.—SYSTEM OF TAXATION: Subject to the state constitution, and except as forbidden by it or by state legislation, the council shall have full power to provide by ordinance for a system of local taxation and change the same from time to time. Insofar as the city procures a revenue from taxes upon real estate and personal property as such, it shall conform as fully as possible to the general law of the state as to the assessment of such property and the collection of such taxes.

Section 66.—BOARD OF EQUALIZATION: The council shall constitute a board of equalization and shall meet as such in the usual place for holding of council meetings on the last Monday in June, annually, to equalize the assessments according to law.

Section 67.—PREPARATION OF THE ANNUAL BUDGET: The city clerk shall prepare the estimates for the annual budget and submit to the council for approval. The estimates of expenditures shall be arranged for each department or division of the city under the following heads: (1) ordinary expenses (for operation, maintenance and repairs); and (2) capital outlays (for new construction, new equipment, and all improvements of a lasting character). Ordinary expenses shall be subdivided into (a) Salaries, with a list of all salaried officers and the number of persons holding each; (b) Wages; (c) Printing, advertising, telephone, telegraph, express and freight charges, and other like items; (d) Supplies and repairs, with sufficient detail to be readily understood; and (e) an amount to be levied for the maintenance of a municipal band and municipal band concerts. All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal

years, as far as possible, for the current year. In addition to the estimates of expenditures, the estimate shall include a statement of the revenues which have accrued for the past two completed fiscal years, with the amounts collected and the uncollected balances, together with the same information, as far as possible, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items: Sums derived from (a) taxation, (b) fines, (c) fees, (d) interest, (e) miscellaneous not included in the foregoing; (f) sales and rentals, (g) operation of public utilities, (h) special assessments, and (i) sales of bonds and other obligations. Such estimates shall be printed or typewritten, and there shall be at least twelve copies, one for each of the councilmen, one for the city clerk, one for the city mayor, one for the city treasurer, and one copy to be submitted to the council at its first regular meeting in August of each year.

Section 68.—LEVY FOR MUNICIPAL BAND AND MUNICIPAL BAND CONCERTS: The city council may by a majority vote levy not to exceed a two-mill tax on the assessed valuation of the taxable property of the city for the maintenance of a municipal band and the giving of public band concerts within the city limits.

Section 69.—PASSAGE OF THE BUDGET: The budget shall be the principal item of business at the first regular meeting of the council in August of each year, and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full, and the city clerk shall explain the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon

shall be a resolution setting forth in detail the complete financial project of the city for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget resolution not later than the first day of October in each year.

Section 70.—ENFORCEMENT OF BUDGET: It shall be the duty of the city clerk to enforce strictly the provisions of the budget. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for an expenditure covered by the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employe of the city shall place any orders or make any purchase except for the purpose and to the amounts authorized in the budget. Any obligations incurred by any person in the employ of the city for any purpose not authorized in the budget, or for any amount in excess of the amount therein authorized, shall be personally liable therefor.

Section 71.—ALTERATIONS IN THE BUDGET: After the budget shall have been duly adopted, the council shall not have power to increase the amounts therein fixed whether by the insertion of new items, or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein, and no other. The council may at any time, by a resolution passed by a four-fifths vote, reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes.

Section 72.—LEVY AND COLLECTION OF TAXES: On or before the first day of October of each year the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city clerk shall transmit to the county auditor annually, not later than the tenth of October, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof enforced with, and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purposes for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Section 73. — DISBURSEMENTS: All disbursements shall be made only upon the order of the mayor and city clerk duly authorized by a motion of the council, and every such order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund. Each such order shall be directed to the city treasurer, and the latter shall pay the same if there is sufficient money in that particular fund with which to pay it. If no money is in such fund, the city treasurer shall endorse same "Not paid for want of funds" with date of such endorsement and such warrant shall draw legal rate of interest from date of such endorsement. The city treasurer shall keep record of such endorsements and pay such warrants as soon as there is money in that particular fund, accordingly as they are filed. The city treasurer shall make no payment out of any fund except upon orders issued by the city council and signed by the city mayor and city clerk. Any order or resolution for the payment of money violating any provisions of this section shall be void, and any officer of the city violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof. No contract requiring

the payment of money by the city shall be valid unless the particular fund out of which the same is to be paid is specified in such contract. No claim against the city shall be allowed unless accompanied by an itemized statement and voucher sworn to, payroll or time sheet signed by the responsible officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council may by ordinance make further regulations for the safekeeping and disbursement of the city's fund.

Section 74.—FUNDS (HOW KEPT): There shall be maintained in the city treasury the following funds, for the support of which the council may levy taxes:

(a) A sinking fund for the purchase, or payment, when due, of any bonds or any debt of the city, and to pay the interest on all bonds and other obligations of the city. The council shall levy an annual tax sufficient to meet all obligations against this fund when due, unless otherwise provided for.

(b) A public utility fund or funds for the acquisition, construction, extension, maintenance and operation of any public utility owned or operated by the city, including the payment of interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the sale of such bonds issued on account of any utility, and for the operation of such utility, and from the sale of any property acquired for, or used in connection with, any such utility. There shall be paid out of this fund the costs of the purchase, construction, extension, operation, maintenance and repair of such utility, including the interest upon all bonds or other indebtedness which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness upon their maturity. Separate funds and accounts shall be kept for each utility operated separately, and in case two

or more utilities are operated together, the funds and account shall be kept separate as far as practicable.

c) A general fund for the support of such other funds and for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all moneys not herein provided to be paid into any other fund.

(d) A permanent improvement revolving fund, which shall not be supported by general taxation. There shall be paid into this fund moneys received from special assessments levied for local improvements. The council may by resolution determine the aggregate amount of the assessments for local improvements which in its judgment shall be extended for payment, as is provided in the Charter. The council may order the issuance and sale of bonds representing such aggregate sum, which shall entitle the holder thereof to demand and receive from the City of Springfield, upon the surrender of such bonds to the treasurer on or after the date of payment thereof, the amount of money named therein to be paid, with the rate of interest stipulated to be paid thereon to the due date thereof and not after such date. Such bonds may be issued in such amounts and become due on such dates as the council may determine, subject to the provisions of this Charter. The proceeds of the sale of said bonds shall be paid into the permanent improvement revolving fund. The council may, in its discretion, either sell said bonds direct to investors, or may contract for the sale of all such bonds as may be issued during any calendar year. No sale of such bonds, by contract, shall be made except after advertising for bids, at least one week prior to sale and such sale shall be made to the highest responsible bidder. Bids may be asked on the basis of a rate of interest specified in the proposals and on the net interest basis on which the bidder will pay par for the year.

Section 75.—RECEIPTS TO GO TO CITY TREASURER: All receipts of money belonging to the city, or any

branch thereof, excepting only those funds collected by the county treasurer, shall be paid in to the city treasurer by the person authorized to receive the same, at the close of each business day. All such moneys, and also all moneys received upon tax settlements from the county treasurer, shall be deposited as soon as received in the bank or banks approved by the city council. Such depository shall give sufficient bond, to be approved by the city council.

Section 76.—ACCOUNTS AND REPORTS: The city clerk shall be the chief accounting officer of the city and of every branch thereof, and the council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter, and the ordinances in accord with it. He shall submit to the council a statement each month showing the amount of money in the custody of the city treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require. Once each year, on or before the fifth day of March, the city clerk shall submit a report to the council covering the entire financial operations of the city for the past year. This report shall show the actual total receipts and actual total expenditures, omitting duplications and stating the cash balance at the beginning of the last fiscal year, and at the close; the total outlays for operation and maintenance, and the total capital outlays, the condition of each of the funds; the total receipts by sources and the total expenditures by general purpose; the total outstanding bonds and debts of the city, when due, the amount of new bonds issued and the amount redeemed, the rate of interest of each; the condition of all the annual budget allowances; and an inventory of all the property owned by the city, and such further information as the council and other city officials and taxpayers should have.

Section 77.—BONDED DEBT AND DEBT LIMIT: No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues to cover current expenses. The council may by a four-fifths vote submit for passage to the electors of said city, the issuance of any bonds for the purchase of real estate, for new construction, for new equipment, and for all improvements of a lasting character, including public utilities. The total bonded debt of the city shall never exceed ten per cent of the last assessed valuation of the taxable property therein, including moneys and credits; but in computing the total bonded debt, certificates of indebtedness or bonds issued before or after the adoption of this Charter shall not be included or counted if (1) held in a sinking fund maintained by such city; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement, or improvement of street railways, telegraph or telephone lines, water, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned, and operated by such city, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches, or the acquisition of lands for, or for the improvement of streets, parks, or public improvements, to the extent that they are payable from the proceeds of assessments levied upon property especially benefitted by such improvements; or (3) issued for the creation or maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

Section 78.—FORM AND REPAYMENT OF BONDS: All bonds issued by the city shall be in regular numbered series. As nearly as practicable, an equal amount of each series shall fall due each year. No bonds shall be issued to run for a longer period than the reasonable life expectancy of the property or improvement for which the

bonds are authorized, as ascertained and set forth in the election authorizing such bonds, and in no case shall bonds be issued to run for longer than thirty years. The purpose for which bonds are authorized shall be set forth in the election authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the city clerk to include in his estimates each year a sum or sums amply sufficient to pay the principal of, and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay the interest for the same year on the bonds which will be still outstanding. It shall be the duty of the council, enforceable by mandamus upon the suit of any bondholder or taxpayer, to include such sum or sums as may be necessary for the purpose in the annual budget which it passes.

Section 79.—EMERGENCY DEBT CERTIFICATES: If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, then the council may authorize the sale by the city treasurer of emergency debt certificates to run not to exceed one year and to bear interest at a rate not to exceed six per cent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by four-fifths of the members of the council; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

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CHAPTER 8.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Section 80.—THE CITY PLAN: The city council shall, with the assistance of the city clerk, and, if desired, of an

advisory city planning commission, prepare and adopt a complete plan for the future physical development of the city. Such plan may be altered from time to time. It may include provisions for zoning, for the platting and development of new areas, for planning and location of public works of art, public buildings, parks, playgrounds, bridges, transportation lines and other public facilities, and for the laying out, grading and improvement of streets and public places, as well as for all other matters which may seem essential to such a plan.

Section 81.—POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS: The City of Springfield shall have the power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of local character. The amounts assessed to benefitted property to pay for local improvements may equal the cost of the improvement with interest until paid, but shall in no case exceed the value of the benefits received by such property.

The council may, by a four-fifths vote of all its members order that the cost and expense of all or any part of any improvement in this chapter mentioned, shall be paid out of the appropriate fund or general fund of the city without assessment on the property benefitted.

Section 82.—LOCAL IMPROVEMENT REGULATIONS: After this Charter takes effect local improvements shall continue for the time being to be made as far as possible according to the provisions and laws previously applicable thereto. As soon as possible, however, the council shall prepare and adopt a complete ordinance covering every type of public improvement, and when this ordinance takes effect it shall supplant other provisions of law upon the same subject. It may be amended from time to time as other ordinances. It shall classify public improvements into three groups, as follows: First, those which shall be constructed or

provided entirely from the general revenues of the city; second, those which shall be constructed, or provided partly from general revenues and partly from special assessments; and third, those which shall be constructed or provided entirely by special assessments. The second class may be further subdivided. The ordinance shall provide a complete working code, covering petitions of resident property owners, the determination of assessments, and the assessment districts, public hearings, appeals from assessments, and the trial thereof, re-assessments, the spreading of the assessment over a period of not to exceed ten years, the collection of assessments along with other taxes or otherwise, penalties for delinquency in making payments, and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinance, all resolutions providing for public improvements shall conform to the regulations laid down in such ordinance.

Section 83.—PUBLIC WORKS (HOW PERFORMED): Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly or by day labor, or by contract. The city may require contractors to give bonds for the protection of the city, the employes and materialmen.

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CHAPTER 9.

EMINENT DOMAIN.

Section 84.—POWER TO ACQUIRE PROPERTY: The City of Springfield is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire, as herein provided, any gas, water, heat, power, light, telephone, or other plant, or other public utility; but no proceeding to acquire any such public utility shall be consummated unless the city has the money in its treasury

to pay for the same or has by vote of the people made provision for paying for the property proposed to be so acquired. Easements for slopes, fills, sewer, building-lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Section 85.—PROCEEDING IN TAKING PROPERTY: The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be, and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this chapter.

Section 86.—PAYMENT OF AWARD: Whenever an award of damage shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from such award, and the time for abandoning such proceedings by the city shall have expired, the city shall be bound to, and shall, within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

Section 87.—CITY MAY ABANDON PROCEEDINGS: The city may by resolution of the council at any stage of the condemnation proceedings, or at any time within thirty days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court, at any time within thirty days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs thereof.

Section 88.—CITY MAY TAKE ENTIRE PLANT: In case the city shall condemn a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property comprising such system, but all the property, lands, articles, franchises and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the city, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interests.

CHAPTER 10.

Section 89.—FRANCHISES DEFINED: The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon or under any of the streets, highways or public places of the city, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

Section 90.—FRANCHISE ORDINANCES: The council may grant franchises by ordinance adopted by a four-fifths vote, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the street or public places inconsistent with the public's right in such places, or desiring the privilege of placing, in, over, upon, or under any street or public place any permanent or semi-

permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing the city or its inhabitants, or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Section 91.—PUBLICATION OF FRANCHISE: Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been accepted by the grantee, and until it has been given adequate publicity, by publication of the franchise for four successive weeks after its passage, and by posting of authentic copies of the franchise upon bulletin boards in at least ten of the most public places in the city, five in each ward, for a period of thirty days after its passage. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchise.

Section 92.—POWER OF REGULATION RESERVED: The city shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or persons, of any franchise, however acquired, and whether such franchise has been heretofore granted by it or by the State of Minnesota, or shall hereafter be granted by it, or by the State of Minnesota.

Section 93.—REGULATION OF RATES AND CHARGES: All corporations, co-partnerships, and persons exercising franchises in the city shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield, above all opera-

tion expenses and depreciation, a fair return upon all money honestly and efficiently invested in the plant and equipment used by the company in the public service within the city. This shall not be construed as a guarantee of a return and in no case shall there be any return upon franchise value. Within these limits, the determination of the maximum price or rate to be charged by any company for service rendered to the city or to any person or persons within the city shall be made, if possible, by direct negotiations between the company and the council at public hearings. In case of failure to reach an agreement by this method the council shall, not less than thirty days before the expiration of any existing rate schedule or agreement, appoint the city clerk or some other expert as its representative; the company shall appoint a representative; and these two shall by mutual agreement appoint a third person, preferably an expert in valuation and rate-making who shall together constitute a board of arbitration. This board shall report its findings as soon as possible and the rate which it shall agree upon by a majority shall be the legal rate, subject to the revision by any court of competent jurisdiction. Schedule of rates thus fixed shall be as flexible as may be, and shall in no case fix a definite rate for a period of more than five years. The city and the company may, by mutual agreement, revise existing schedules of rates at any time, proceeding in such case as provided for the original fixing of rates.

Section 94.—ARBITRATION OF LABOR DISPUTES: If any controversy, dispute, or disagreement shall arise between any public service corporation, co-partnership, or person, operating in the city, and its employes, which, in the opinion of the council interferes or threatens to interfere with the service to which the city or its inhabitants are entitled, the council shall have the power to compel the parties involved in the controversy to submit the same to a board of arbitration under such procedure as may be

provided by ordinance. The finding of such arbitral authority shall be advisory, unless the parties shall agree in advance to make such findings mandatory.

Section 95.—CONDITIONS IN EVERY FRANCHISE: Every franchise which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel, or otherwise. Every franchise shall contain the following provisions:

(a) That the grantee shall be subject to and will perform on its part all the terms of Sections 89 to 96, inclusive, as well as all other pertinent provisions of this Charter.

(b) That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but such fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered, and shall in all cases be fixed and from time to time changed in the manner provided in Section 93 of this Charter.

(c) That the council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

(d) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the city to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

(e) That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed in the office of the city clerk an instrument duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required

of the grantee thereunder. The assignee or lessee shall also file a bond in such sum and with such conditions as the council may require, which bond shall run to the city as obligee, with sureties satisfactory to the council, and shall obligate the assignee or lessee to discharge all obligations and liabilities imposed by said franchise.

(f) That every part in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks, in, or of pipes, or conduits under the streets or public places, or for the placing in the streets or public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the council shall have the power to require such alterations therein, or relocation or re-routing thereof, as the council may at any time deem necessary for the safety, health, or convenience of the public and particularly that it shall have the power to require the removal of poles, masts and other fixtures bearing wires and the placing under ground of all wires for whatsoever purposes used.

(g) Every franchise and every extension or renewal of such franchise, shall contain a provision for its acceptance in writing by the grantee within thirty days after its passage by the council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the city until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of, and consent to, all the terms, conditions and limitations contained in the ordinance granting the franchise, as well as of the provisions of this Charter.

(h) In no case shall the council grant an exclusive franchise for any purpose.

The violation by the holder of any franchise of any of the express provisions prescribed by this section shall be sufficient cause for the forfeiture

of the franchise by a resolution of the council.

Section 96.—FURTHER PROVISIONS OF FRANCHISES: The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the council may deem proper to protect the city's interest, nor shall anything contained in this Charter limit any right or power possessed by the city over existing franchises.

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**CHAPTER 11.
PUBLIC OWNERSHIP AND
OPERATION OF UTILITIES.**

Section 97.—ACQUISITION AND OPERATION OF UTILITIES: The city shall have the power to acquire public utilities as provided in Chapter 9 of this Charter. The operation of all public utilities owned by the city shall be under the supervision of the city council.

Section 98.—RATES AND FINANCES: The council shall have the power to fix all rates and charges for water, light, heat, and all other utilities provided by plants owned by the city, but such rates and charges shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for all such services shall be made, and the manner in which water and electric current shall be computed or measured, whether by meter, or flat rate, and make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

Section 99.—PURCHASE IN BULK: The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk, and resell them to local consumers at such rates as it may fix.

Section 100.—CITY TO PAY FOR SERVICES: The council shall make a reasonable charge, based on the cost of service, for lighting the streets and public buildings, or for supplying heat, power, or any other utility, and a reasonable hydrant rental and other charges for supplying the city with water, and shall credit the same to the publicly owned utility supplying the service. Such rentals and other charges for light, heat, water, power and other service, shall be collected in the same manner as from other consumers, unless the council provides some other plan.

Section 101.—LEASE OF PLANT: The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance approved by a four-fifths vote of the council, and subject to popular referendum. In no case shall such contract be for a longer term than ten years. The contractor shall be subject as far as possible to the rules as to rates and service, and as to council control, laid down for the holders of franchises in Chapter 10 of this Charter.

Section 102.—PUBLIC UTILITY (HOW SOLD): No public utility owned by the city, whether acquired prior to the adoption of this Charter, or thereafter, shall be sold or otherwise disposed of by the city, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in an ordinance, passed by a four-fifths vote of the council in the usual manner, and by a majority vote of the electors voting thereon.

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**CHAPTER 12.
MISCELLANEOUS AND TRANSI-
TORY PROVISIONS.**

Section 103.—OFFICIAL PUBLICATIONS: The council shall regulate

by ordinance the manner in which official publicity shall be given to the holding of elections, to ordinances, resolutions, initiative, referendum, and recall petitions, to requests for bids upon contemplated purchases and contracts, and to all other matters whatsoever which require publication either by the terms of this Charter or by the laws of Minnesota. It shall annually designate a newspaper of general circulation in the city as the official paper in which shall be published such measures and matters as are by the laws of this state required to be so published in this manner, or in lieu thereof it may establish a municipal publication, which shall then be the official newspaper. The council may in its discretion provide for the publication of the annual budget, ordinances, resolutions, initiative, referendum, and recall petitions, election notices, and such other measures as it may deem wise by the posting of typewritten mimeographed, or printed copies thereof upon at least six bulletin boards, three in each ward of said city, located in the most public places of the city, at important street intersections, at the fire station, the city hall, and so on, and for such period of time as the council may direct in each case. If the latter method of publication is adopted, the council may provide that it shall be in lieu of other methods of publication or in addition thereto at its option. Wherever in this Charter there is a requirement of the publication of any matter or measure, it shall be understood that the city council may designate the manner of such publication, subject to the options permitted by this section; but nothing herein contained shall be construed as authorizing or as attempting to authorize any violation of the constitution or the statutes of the state in any matter which is of state concern or which is exclusively under state control.

Section 104.—OATH OF OFFICE: Every officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to

support the Constitution of the United States and of this state, and to discharge faithfully the duties devolving upon me as (mayor, councilman, or city clerk, etc.) of this city to the best of my judgment and ability."

Section 105.—CITY OFFICERS NOT TO ACCEPT FAVORS OR CONTRACTS: No officer or employe of the city shall solicit or receive any pay, commission, money, or thing of value, or derive any benefit, profit, or advantage, directly or indirectly, from, or by reason of, any improvement, alteration, or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employe. No officer or employe of the city, except as otherwise provided in this Charter, or by law, shall solicit, accept, or receive, directly or indirectly from any public utility corporation or the owner of any public utility or franchise, any pass, frank free ticket, free service, or any other favor, upon terms more favorable than those granted to the public generally. A violation of any of the provisions of this section shall disqualify the offender from continuing in office or in the employment of the city, and he shall be removed therefrom. Any contract with the city in which any officer or employe of the city is, or becomes, directly or indirectly interested, personally, or as a member of a firm, or as an officer or director of a corporation, shall be void; and any money which shall have been paid on such contract by the city may be recovered from any or all the persons interested therein by joint or several action.

Section 106.—OFFICIAL BONDS: The city clerk, and such other officers of the city as may be provided for by ordinance, shall each before entering upon the duties of their respective offices, give bond to the city in such sum as may be fixed by the council as an additional security for the faithful performance of their respective official duties, and the safe keeping of the public funds. Such bonds shall be ap-

proved by the city council, and shall be endorsed by at least three members of the council as having been so approved. They shall be filed with the city clerk, except the bond of the city clerk, which shall be filed with the city treasurer.

Section 107.—CITY PROPERTY NOT LOST BY ADVERSE POSSESSION: No right, title, estate, or easement of the city in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall be operative against the city in favor of any person occupying any public property or highway, whether such highway shall have been improved or not.

Section 108.—SALES OF REAL PROPERTY: No real property of the city shall be disposed of except by ordinance or resolution. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a four-fifths vote designate some other public use for such proceeds.

Section 109.—VACATION OF STREETS: No street or alley within the city shall be discontinued except by ordinance approved by a four-fifths vote of the council and subject to popular referendum. A record of such vacation shall be made in the office of the register of deeds of the county.

Section 110.—DAMAGE SUITS: No action shall be maintained against the city on account of any injuries or damages to persons or property, unless such action shall be commenced within one year from the occurrence of such injury or damage, or unless notice shall have been given in writing to the city clerk within thirty days of the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which the same occurred

and that the person injured or damaged will claim damages of the city therefor.

Section 111.—RECOVERY OF JUDGMENT FOR DAMAGES: If any judgment shall be recovered in any action, against the city for any injury or damage caused by any obstruction, excavation, opening, or defect in any street or alley or public ground caused or occasioned by the act or omission of any person or corporation, the city shall have the right to recover the amount of any such judgment, from the person or corporation so responsible for such obstruction, excavation, opening, or defect; and such person or corporation is hereby declared to be liable to the city in the amount of such damages.

Section 112.—CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER VILLAGE: The City of Springfield shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations, of the village under the name of the Village of Springfield.

Section 113.—PRESENT OFFICERS TO HOLD OFFICE TILL WHEN: The present officers of the village shall continue in their respective offices and function, and shall continue to govern the village in the usual manner until the first day of April, 1924. They shall make such financial and other provisions for the fiscal year of 1924, 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 for in Chapter 4 of this Charter.

Section 114.—STATUTES NOT AFFECTED BY CHARTER: All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Springfield, operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Springfield, and shall be

construed as supplementary to the provisions of this Charter.

Section 115.—EXISTING ORDINANCES CONTINUED: All ordinances and regulations of the village in force when this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 116.—PENDING CONDEMNATIONS AND ASSESSMENTS: Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the village prior to the time when this Charter takes effect, shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

Section 117.—ORDINANCES TO MAKE CHARTER EFFECTIVE: The council is hereby empowered to and it shall by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

—o—

CERTIFICATE OF COMMISSION.

STATE OF MINNESOTA)
County of Brown)ss.
Village of Springfield)

Whereas, the Honorable Judge I. M. Olsen, judge of the District court in and for the Ninth Judicial district of Minnesota, did on the 11th day of December, 1922, duly make and file his order under and pursuant to Section 36 of Article IV of the Constitution of the State of Minnesota and laws enacted pursuant thereto, appointing a board of freeholders to frame and submit a Charter for the City of Springfield, Brown County, Minnesota, for its own government;

And Whereas, not all of the members of said board of freeholders appointed by said order did qualify, and the Honorable I. M. Olsen, did in his

orders dated February 2nd, 1923, and March 3rd, 1923, appoint other freeholders to fill the vacancy on said board;

And Whereas all of said freeholders so appointed in and by said orders thereafter duly qualified as such, and did on the 3rd day of April, 1923, effect a permanent organization of said board;

And Whereas said board of freeholders in obedience to said order, did thereafter duly prepare, adopt and frame a proposed Charter for the said City of Springfield, of which the attached document composed of 117 sections, numbered from 1 to 117, both inclusive, is a draft;

Now, Therefore, We, the undersigned members of said board of freeholders, under and pursuant to the power conferred upon us as aforesaid, do hereby sign the said draft of a proposed Charter for the City of Springfield, and do deliver the same to the Honorable Louis Kreitinger, President of the Village Council, to be submitted to the voters of the Village of Springfield, in the manner prescribed by law.

Dated at Springfield, Minnesota, August 9th, 1923.

J. A. Rieck,
Chairman.
Alexander Seifert,
Secretary.
A. C. Ochs.
John R. Schmid.
J. S. Shrader.
J. S. Watson.
Geo. P. Forster.
J. F. Bauch.
A. G. Loomis.
Wm. F. Runck.
A. C. Lehrer.
Jos. Kreitinger.
E. L. Nippolt.
F. A. Ruenitz.
P. W. Kuske.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
OCT 22 1923

W. H. Johnson
Secretary of State