

CITY OF RENVILLE

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RENVILLE, MINNESOTA 56284

March 21, 1977

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

Dear Ms. Growe:

Enclosed are amendments # 154, #155, #156, to the City Charter of the City of Renville, Minnesota, which were voted on at the city election held on March 8, 1977. These amendments will take effect 30 days after election.

Enclosed is a copy of our city attorney's letter stating ordinance #155 did actually pass because of Minn. Statutes 410.12 Subd 6. Please review this and file. Thank you.

Very truly yours,

Marlene Standfuss

Marlene Standfuss
City Clerk
City of Renville

Encl: 4

30401
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 25 1977
Joan Anderson Howe
Secretary of State

Ronald D. Selander

ATTORNEY AT LAW
904 W. LINCOLN
OLIVIA, MINNESOTA 56277
612-523-2463

March 11, 1977

Marlene Standfuss
City Clerk
City of Renville
Renville, MN 56284

In re: City Charter Amendments

Dear Marlene:

The procedure for certifying the charter amendments which were adopted by the voters is as follows:

You shall file with the Secretary of State and the Renville County Recorder a copy of the charter amendment accompanied by your certificate attesting to the accuracy of the copy, giving the date of the election, and setting out the vote by which the charter was adopted. As you know the amendments will take effect 30 days after the election.

With respect to the question of which amendments passed, I have reviewed the law and it is my opinion that Ordinance #154 (regarding fiscal year), Ordinance #155 (regarding elections) and Ordinance #156 (regarding terms of office) all passed. Apparently there has been some question about whether or not Ordinance #155 actually passed since the vote on that ordinance was 312 Aye and 237 Nay. It is my opinion that that Ordinance #155 did actually pass because the City Charter amendment provision which is Chapter 13, Section 9, does not apply to this type of an amendment. The amendment procedure which was used by the council in this case is set out in Minnesota Statutes §410.12 Subd 6. That amendment procedure is a separate and distinct amendment procedure from the other amendment procedures of which the above Section 9 is only one. Moreover, Sub-section 6 of said Section 410.12 provides affirmatively that the amendment becomes then effective when it is approved by the voters as provided in Subdivision 4 of Section 410.12. Said Subdivision 4 clearly states that if 51% of the votes cast on any amendment are in favor of its adoption, that that amendment has passed. Therefore, it is clear that the only two ordinances which were not adopted by the voters were the last two proposed amendments set forth in Ordinance #157 and Ordinance #158.

Yours truly,


R. D. Selander

RDS/sjs

cc: Mr. Al Mulder, Mayor

ORDINANCE NO. 154

AMENDING PROVISIONS OF CITY CHARTER
REGARDING FISCAL YEAR

Section 1. The City Council of the City of Renville hereby ordains:

DECLARATION OF POLICY

Section 2. The City Council of the City of Renville has determined that the City Charter of the City of Renville contains certain obsolete and undesirable provisions regarding the City fiscal year. It is declared to be the intention of the council to eliminate the difficulties of dealing with the present fiscal year.

Section 3. The City Council hereby, therefore, amends Chapter V of the City Charter of the City of Renville by deleting the language which is lined through, and by adding the language which is underlined:

CHAPTER V

TAXES

FISCAL YEAR

Section 1. The fiscal year of the City of Renville shall commence on the ~~second-Tuesday-of-March~~ first day of each year.

Adopted this 24th day of May 1976 by the city council.

John R. Hawbaker
(John R. Hawbaker, Mayor)

ATTEST:

Marlene Standfuss
(Marlene Standfuss, City Clerk)
March 21, 1977

I, Marlene Standfuss, duly qualified, elected, and clerk of the City of Renville, Minnesota, hereby certify that the foregoing amendment is true and correct. The above amendment to the City Charter was voted on at the City Election held on March 8, 1977, in the City of Renville, Minnesota

Yes votes 389

No votes 160

Marlene Standfuss
City Clerk

30401
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 25 1977
John Andrew Brown
Secretary of State

ORDINANCE NO. 155

AMENDING PROVISIONS OF CITY CHARTER
REGARDING ELECTIONS

Section 1. The City Council of the City of Renville hereby ordains:

DECLARATION OF POLICY

Section 2. The City Council of the City of Renville has determined that the City Charter of the City of Renville contains certain obsolete and undesirable provisions regarding election dates. It is declared to be the intention of the council to establish a uniform date for city elections.

Section 3. The City Council hereby, therefore, amends Chapter II of the City Charter of the City of Renville by deleting the language which is lined through, and by adding the language which is underlined:

CHAPTER II

OFFICERS AND ELECTIONS

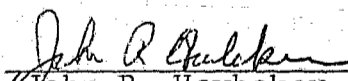
TIME OF ELECTIONS

~~Section 4. -- There shall be a city election for electing such officers of said city as are herein, or otherwise by law, made elective on the second Tuesday in March, 1906, and thereafter a city election shall be held on the second Tuesday in March of each year.~~

Section 4. After the city election of March 8, 1977, there shall be a city election on the first Tuesday after the first Monday in October, beginning in October, 1977, and thereafter a city election shall be held on the first Tuesday after the first Monday in October of each year.

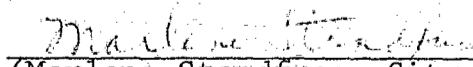
Section 9. The term of office of each officer elected under this charter shall commence on the ~~third Tuesday of March of~~ first day of the year following the year in which he was elected and shall continue until his successor is elected and qualified.

Adopted this 24th day of May 1976 by the city council.



(John R. Hawbaker, Mayor)

ATTEST:



(Marlene Standfuss, City Clerk)

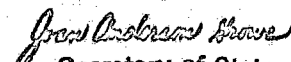
March 21, 1977

I, Marlene Standfuss, duly qualified, elected, and clerk of the City of Renville, Minnesota, hereby certify that the foregoing amendment is true and correct. The above amendment to the City Charter was voted on at the City Election # 30601 held March 8, 1977, in the City of Renville, Minnesota.

Yes votes 312

No votes 237

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 25 1977



Secretary of State

ORDINANCE NO. 156

AMENDING PROVISIONS OF CITY CHARTER
REGARDING TERMS OF OFFICE

Section 1. The City Council of the City of Renville hereby ordains:

DECLARATION OF POLICY

Section 2. The City Council of the City of Renville has determined that the City Charter of the City of Renville contains certain obsolete and undesirable provisions regarding terms of office. It is declared to be the intention of the council to minimize the effect of the turnover of the elected officials.

Section 3. The City Council hereby, therefore, amends Chapter II and III of the City Charter of the City of Renville by deleting the language which is lined through, and by adding the language which is underlined.

CHAPTER II

OFFICERS AND ELECTIONS

TERM OF OFFICE

~~Section 2. The term of office of all said officers shall be one year excepting as follows: The term of office of aldermen at large shall be two years excepting at the first election after the adoption of this charter; when one alderman at large shall be elected for one year and one for two years. The term of the judge of the municipal court shall be four years and that of the justice of the peace shall be two years. All officers shall hold their respective offices until their successors are elected and qualified.~~

Section 2. The term of all officers appointed or elected as a result of the March 8, 1977 election shall extend through the end of the fiscal year in which said election is held, except that the term of the alderman at large and the term of the aldermen from the odd-numbered wards who are elected at said election shall extend through the end of the next fiscal year.

Except as qualified by the preceding paragraph, the term of office of all appointive officers appointed after the October 4, 1977 city election shall be two years or until their successors are appointed and qualified.

Except as qualified by the first paragraph of this section, the term of office of all elective officers elected at the October 4, 1977 city election, and thereafter, shall be two years.

CHAPTER III

DUTIES OF OFFICERS

OTHER OFFICERS-DUTIES AND COMPENSATION

Section 15. The city council shall have the power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this charter and to appoint such other officers as may be necessary to carry into effect, the provisions of this charter, and to prescribe their duties, unless otherwise provided for: but no officer elected or appointed by the city council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one-year two years, and until his successor is elected or appointed, and duly qualified. The city council shall have the power unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this charter, and such compensation shall be fixed by resolution, and in regard to all officers created by this charter, the compensation shall be fixed within three months from the first organization and

meeting of the city council. After the first year the compensation of officers shall be fixed for the next fiscal year in the month of ~~March~~ December, except for such officers as thereafter may be created in regard to which the compensation shall be fixed at the time of the creation of such office.

Adopted this 24th day of May 1976 by the city council.

John R. Hawbaker
(John R. Hawbaker, Mayor)

ATTEST:

Marlene Standfuss
(Marlene Standfuss, City Clerk)

I, Marlene Standfuss, duly qualified, elected, and clerk of the City of Renville, Minnesota, hereby certify that the foregoing amendment is true and correct. The above amendment to the City Charter was voted on at the City Election held March 8, 1977, in the City of Renville, Minnesota.

Yes votes 359

No votes 190

Marlene Standfuss
City Clerk

#30401
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 25 1977
Gene Andrew Brown
Secretary of State