

STATE OF MINNESOTA)
COUNTY OF MARTIN) SS
CITY OF FAIRMONT)

I, H.E. Wade, Mayor of said City of Fairmont, Do
Hereby Certify:

1. That I am the duly elected, qualified and acting mayor of the City of Fairmont, in Martin County, Minnesota, and that as such mayor I am the chief magistrate of said city.

2. That the instrument hereto annexed, consisting of Sections 1 to 84, both inclusive, is the Charter of the City of Fairmont, in Martin County, Minnesota, proposed by the Charter Commission of said city, duly appointed, qualified and acting, and submitted by said commission to me as chief magistrate of said city on the 14th day of February, 1927, and by me thereupon and on said date transmitted to the Common Council of said City of Fairmont then assembled in session.

3. That the Common Council of said city caused said proposed charter to be duly submitted to the qualified voters of said city at a special election duly called therefor to be held and which was duly held on the 18th day of March, 1927.

4. That the returns of said election were duly canvassed on the 24th day of March, 1927, and it was duly determined that said proposed charter was ratified, and said proposed charter was ratified, by more than four sevenths of the qualified voters of said city voting at such election, to wit: by 441 of the qualified voters of said city voting at said election voting in favor of the adoption of said proposed charter out of 503 total votes cast at said election.

I THEREFORE HEREBY FURTHER CERTIFY That said proposed charter was duly ratified by more than four sevenths of the qualified voters of said city voting at said special election duly called as aforesaid.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said City of Fairmont this 24th day of March, 1927.

H.E. Wade, *H.E. Wade*
Mayor.

3703

TO THE HONORABLE H. B. WADE, MAYOR OF THE CITY OF FAIRMONT, IN
MARTIN COUNTY, MINNESOTA:

We, the Undersigned, Board of freeholders, having been heretofore appointed
by the Judge of the District Court in and for the County of Martin, Minnesota,
as a board of freeholders and charter commission of said city, pursuant to the
Constitution and Statutes of the State of Minnesota relative thereto,

Do hereby respectfully submit to your Honor the attached and foregoing
draft of a proposed new charter for the said City of Fairmont.

Dated this 14th day of February, 1927.

Allen L. Moore

Geo. E. Wingenburg

E. J. Edwards

W. H. Norman

D. B. Lamm

A. A. Horton

H. W. Bude

W. E. Hoad

Anna Wolf

Minnie Bird

Minnie A. Rich

G. W. Banke

Elizabeth B. Luedtke

Lottie E. White

Julius Simon

Sec. 84. SEVERAL LAWS TO APPLY.-- Whenever in this charter the statutes or laws of the State of Minnesota are made applicable to said city by reference, such reference shall include all amendments and supplements to said laws, including future amendments and supplements, and all amendments and supplements to all the statutes and laws of the State of Minnesota made applicable by reference in this charter are hereby expressly made applicable to said city.

all the legal obligations of the city under the former charter.

Sec. 50. PRESENT OFFICERS TO HOLD OFFICE UNTIL WHEN.— The present officers of the city shall continue in their respective offices and functions, and shall continue to govern the city in the usual manner until the officers provided for in this charter are elected and qualified. They shall make such financial and other provisions for the fiscal year as will serve to carry on the government until a government has been set up under this charter, and they shall make provision for the election of the first city council as provided for in Chapter IV of this charter.

Subordinate officers and commission members heretofore appointed for a definite term shall continue in office until the expiration of the term for which they were appointed.

Sec. 51. TEMPORARY TRANSFER OF FUNDS.— The city council, at any time before October 1, 1927, may transfer sums from one city fund to another, notwithstanding the provisions of section 55 of this charter, and notwithstanding such sums be held as reserves to meet liabilities incurred and which subsequently will accrue, provided such liabilities will not accrue until after Dec. 1, 1929; but if such transfer be made, there shall be included in the city budget for the year 1928 a sum equal to at least one-half of the amounts so transferred, with adequate interest thereon, and a tax levy made therefor, and there shall be included in the city budget for the year 1929 a sum equal to the entire balance of the amounts so transferred, with adequate interest thereon, and a tax levy made therefor; and said sums so transferred shall be returned at all events, with adequate interest, to the fund from which taken, not later than December 1, 1929.

Sec. 52. EXISTING ORDINANCES CONTINUED.— All ordinances and regulations of the city 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.

Sec. 53. ORDINANCES TO MAKE CHARTER EFFECTIVE.— The council is hereby empowered to, and it by ordinances, shall make such regulations as may be necessary to carry out and make effective the provisions of this charter.

power over every detail of the operation of any department but shall not exercise such power until after ten days notice in writing shall have been given to the commission specifying the particulars in detail in which the council intends to exercise such power, and a public hearing given thereon.

Sec. 76. PUBLIC UTILITY, NOT SOLD OR LEASED.-- No public utility owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold, leased or otherwise disposed of by the city, unless the full terms of the proposition of said sale or lease or other disposition thereof, together with the price to be paid therefor, shall have been embodied in an ordinance passed by a five-sevenths vote of the council and approved by a two-thirds vote of the electors of said city voting thereon, at a general or special election at which said ordinance is submitted.

CHAPTER XI

MISCELLANEOUS AND TRANSITORY PROVISIONS.

Sec. 77. OFFICIAL PUBLICATIONS.-- The council at the first meeting after each biennial election shall designate a newspaper in said city, in which shall be published such measures and matters as by the laws of this state, or by this charter, are required to be published, or which the council deems it wise to publish. The council shall fix the manner and length of time of such publication, except where the manner and length of time is prescribed by this charter or by the laws of this state.

Sec. 78. SALES OF REAL PROPERTY.-- No real property of the city shall be disposed of except by ordinance. 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 such real property, or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the council by a resolution may designate some other public use for such proceeds.

Sec. 79. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY.-- The city shall succeed to all the property, rights, and privileges, and shall be subject to

day of March covering their entire operations for the preceding fiscal year. Such report shall be as complete in detail as the monthly reports and as complete as required by the city council.

(g) They shall fix all rates and charges for the commodities and services furnished by their departments, but such rates and charges shall be just and reasonable. They shall prescribe the time and manner in which payments for all such services shall be made and the manner in which the commodity or service furnished shall be measured. They may make such other regulations as may be necessary and prescribe penalties for violations of such regulations. They shall fix the rates and charges for commodities and service furnished to the city for public use, and the city shall pay therefor as provided for other consumers.

(h) They shall make disbursements only upon regular voucher authorized by the commission and signed by two members thereof, which shall indicate the fund out of which the disbursement shall be made. Each voucher when so issued and countersigned by the city treasurer shall become a check payable to the payee at the bank indicated thereon. The treasurer shall issue no checks upon public utility funds except as above. No such check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same, together with all then outstanding orders against and encumbrances upon such fund. Any check for the payment of money violating any provision of this section shall be void, and any officer of this 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.

(i) They shall daily deposit with the city treasurer all receipts of money and credits.

(j) The commissions, in lieu of providing for the local production of electricity, gas, water and other utilities, may purchase the commodities in bulk and resell them to local consumers at such rates as it may fix.

(k) The city council shall have power to change any rule or regulation of any commission, or any appointment or order, or any salaries or wages fixed by any commission, or any rates or charges, or any item in the budget and shall have full and complete

CHAPTER X

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES.

Sec. 74. ACQUISITION AND OPERATION OF UTILITIES.— The city shall have power to acquire public utilities by gift, purchase or condemnation under the power of eminent domain. The operation of all public utilities owned by the city shall be under the general supervision of the city council.

Sec. 75. POWERS AND DUTIES OF PUBLIC UTILITY COMMISSIONS.— The public utility commissions shall have the following powers and duties in their respective departments:

(a) They shall hire, employ and discharge such employees as are necessary in the proper conduct of the utilities under their care and shall fix their salaries and wages.

(b) They shall elect their own officers, prescribe their own rules of procedure, hold regular monthly meetings and keep proper minutes thereof, and shall keep proper books and records of their operation and accounts.

(c) Not later than February 1st of each year they shall prepare and submit to the city council a budget for the ensuing fiscal year, containing an itemized statement of the estimated revenues and proposed disbursements for such period. The total sum of proposed disbursements shall be less than the total estimated revenue and by a safe margin. After the budget has been submitted to the council, the commission shall have no power to increase any item therein or add any item thereto beyond the estimated revenue, unless the actual receipts shall exceed such estimates, and then not beyond such receipts, and in no event shall such change in the budget become effective until after ten days notice thereof given to the council.

(d) They shall not spend any funds or incur any indebtedness beyond the amounts specified in the budget.

(e) They shall make a monthly report of operations to the city council showing such detail as may be required by the council.

(f) They shall make an annual report to the city council on or before the last

Sec. 69. TERM OF FRANCHISE LIMITED.-- No franchise shall be granted for a longer period than 25 years.

Sec. 70. FRANCHISE--HOW GRANTED.-- The city council may grant franchises by ordinance adopted by a five-sevenths vote and published as required by this charter for the publication of ordinances; but before any such ordinance shall be in force it shall be submitted to the qualified voters of the city at a general or special election called for such purpose, and shall be approved by a two-thirds majority of the electors voting at such election, and be accepted by the grantees. The ballots used at such election shall contain the words, "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the name).

Sec. 71. POWER OF REGULATION RESERVED.-- The city shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such franchise heretofore has been granted by it or by the State of Minnesota, or shall hereafter be granted by the city or by the State of Minnesota.

Sec. 72. 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. The council shall have the power to fix such rates.

Sec. 73. 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 interests, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

CHAPTER VIII

EMINENT DOMAIN.

Sec. 66.-- The City of Fairmont shall have and possess all the powers of eminent domain conferred upon it by the statutes of the State of Minnesota, and shall exercise said powers in the form and manner prescribed and provided by said statutes. All future amendments and supplements to said statutes are hereby made applicable to said city.

CHAPTER IX

FRANCHISES.

Sec. 67. FRANCHISE DEFINED.-- The word "franchise" as used in this charter shall mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon, or under any of the highways or public places of the city, whether such privilege heretofore has been granted by it or by the state of Minnesota, or hereafter shall be granted by the city or by the State of Minnesota.

Sec. 68. FRANCHISE ORDINANCES.-- Every ordinance granting or extending any franchise shall contain all of the terms and conditions of the franchise. Franchise rights always shall be subject to the superior right of the public to the use of the streets and public places. All corporations, co-partnerships, or persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's rights 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 for furnishing to 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 place such fixtures in such place.

the issuance and sale 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. The full amount of such certificates with interest to maturity shall be included in the next budget and a tax levy made therefor. The authorization of an issue of such certificates shall take the form of an ordinance approved by five-sevenths of all of the members of the council and such ordinance if deemed necessary may be passed as an emergency ordinance.

CHAPTER VII

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Sec. 62. POWER TO MAKE IMPROVEMENTS AND ASSESSMENTS.— The City of Fairmont 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 a local character.

Sec. 63. ASSESSMENTS.— The amount assessed to benefit property to pay for local improvements may equal the cost of the improvement with interest until paid.

Sec. 64. PENDING IMPROVEMENTS TO BE CONTINUED UNDER EXISTING LAWS.— All improvements commenced prior to the adoption of this charter shall be continued and completed under and pursuant to the provisions of the charter or law under which such improvements were begun.

Sec. 65. STATE LAWS MADE APPLICABLE.— Except as herein otherwise provided, the statutes of the State of Minnesota governing, controlling, and regulating the making of public improvements of every type and character, and of special assessments therefor, and all provisions for certificates of indebtedness in connection therewith, and all future amendments thereof and supplements thereto, shall apply, govern, control and regulate in the City of Fairmont.

in a bank or banks approved by the city council. Any person in the employ of the city guilty of a violation of this provision shall be liable to be reduced in salary or to be dismissed from his office or position, as the council may determine after a hearing.

Sec. 59. ACCOUNTS AND REPORTS.-- 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. The city clerk shall submit to the council a statement each month showing the amount of money in the city treasury, 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 in each year and on or before the last day of March the city clerk shall submit a report to the council covering the entire financial operations of the city for the past fiscal year. Such report shall be as complete in detail as said monthly reports and as complete as is required by the city council and shall cover the entire past fiscal year. It also shall show the total outstanding bonds and debts of the city, the maturity of the same, the amount of bonds and other evidences of indebtedness issued during the past fiscal year and the amount redeemed during the same period. It also shall show the rate of interest of said bonds, or other evidences of indebtedness. It shall show the condition of all the annual budget allowances and contain an inventory of all the property owned by the city, and such other information as the council may require.

Sec. 60. ANNUAL AUDIT.-- The books of the city shall be audited regularly once at least each year by some reliable firm of certified public accountants employed by the city council. In addition to reports furnished the city council, such certified public accountants shall furnish a condensed report covering their audit, and such condensed report shall be published once in the official city newspaper.

Sec. 61. EMERGENCY DEBT CERTIFICATES.-- If in any year any calamity or other public emergency or unforeseen circumstance should subject the city to the necessity of making expenditures not provided for in the budget, then the council may authorize

council at any time, by a resolution passed by a five-sevenths vote, may reduce salaries or the moneys appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes provided, however, that no reserve necessary to meet incurred liabilities which will thereafter accrue shall be construed to be an unexpended balance.

Sec. 56. DISBURSEMENTS, HOW MADE.-- All disbursements except those made from public utility funds shall be made only upon regular voucher issued by the city clerk, duly authorized by the council, countersigned by the mayor and by the city treasurer, which shall indicate the fund out of which the disbursements shall be made. Each order, when signed by the ^{city clerk, countersigned by the} mayor and the city treasurer, shall become a check payable to the payee at the bank indicated thereon. The treasurer shall issue no checks upon any fund except as above. No such check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same, together with all then outstanding orders against and encumbrances upon such fund. Any check for the payment of money violating any provision of this section shall be void and any officer of this 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 claim against the city shall be allowed unless accompanied by an itemized and verified statement, payroll, or time sheet signed by the officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council by ordinance may make further regulations for the safe-keeping and disbursement of the city's funds.

Sec. 57. FUNDS TO BE KEPT.-- The city shall keep a general fund and such other funds as are required by law and the charter or ordinances of said city, or by the council thereof.

Sec. 58.-- 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 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

The proposed budget shall be published not later than two weeks after its submission to the council, and before final action of the council thereon notice of hearing also shall be published.

Sec. 52. PASSAGE OF THE CITY BUDGET.— The budget shall be the principal item of business at the first regular meeting in August and at all subsequent meetings, whether adjourned, special or general, until passed and adopted. All interested citizens shall have a reasonable opportunity to be heard at said meetings. The annual budget finally agreed upon shall be adopted by resolution, passed by the council by an aye and no vote. The total sum appropriated in the budget shall be less than the total estimated revenue and by a safe margin. The council shall adopt the budget by resolution not later than the first day of October.

Sec. 53. ENFORCEMENT OF THE CITY BUDGET.— It shall be the duty of the council to enforce strictly the provisions of the budget. It shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the city shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation 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 a personal obligation upon the person incurring the expenditure.

Sec. 54. READING OF THE CITY BUDGET.— The proposed budget shall have not less than two readings which readings shall be not less than seven days apart.

Sec. 55. ALTERATIONS IN THE CITY BUDGET.— After the budget shall have been 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

power and degree as the City of Fairmont, whether operating under home rule charters or otherwise, are hereby referred to and made a part of this charter.

Sec. 49. DEBT LIMIT.— The city shall not issue its bonds to an extent whereby its bonded indebtedness shall be made to exceed ten per cent of the last assessed valuation of the taxable property in the city, including taxes, and credits; provided, however, that in computing said indebtedness there shall be exempted therefrom and not included therein all certificates, or bonds, issued before, or after, the adoption of this charter if (1) held in a sinking fund maintained by the city, and (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which revenue is or may be derived, owned and operated by the city, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches or the acquisition of lands therefor, or for the improvement of streets, parks, or other public improvements, to the extent that they are payable from proceeds of assessments levied upon property especially benefitted by such ditches or improvements, or (3) issued for the creation of a permanent improvement revolving fund, or (4) for the purpose of anticipating the collection of general taxes for the year in which issued.

Sec. 50. CITY BUDGET COMMITTEE.— There shall be a city budget committee composed of the mayor, city clerk, and the chairman of the finance committee of the council.

Sec. 51. ANNUAL CITY BUDGET.— Not later than one month before the first meeting in August of each year the city budget committee shall prepare and submit to the council a budget for the ensuing fiscal year, exclusive of the public utility departments. The city budget shall be based upon detailed estimates and shall present the following information:

(a) An itemized statement of the appropriations recommended by the city budget committee for current expenses and for the permanent improvements for the ensuing fiscal year, with comparative statements of the appropriations and expenditures for the current and next preceding fiscal year.

(b) Such other information as may be required by the council.

Sec. 43. EXECUTION OF CONTRACTS.-- All contracts, municipal bonds, certificates of indebtedness, or other evidences of indebtedness, and all instruments of every kind to which the city shall be a party, shall be signed by the mayor and the city clerk in behalf of the city, and shall be executed in the name of the city, and shall have the corporate seal of the city thereto attached.

CHAPTER VI

TAXES AND FINANCES.

Sec. 44. 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 safe keeping and disbursement of public moneys; and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Sec. 45. FISCAL YEAR.-- The fiscal year of the city shall end each year on the last day of February.

Sec. 46. BOARD OF EQUALIZATION.-- The mayor, clerk, and three aldermen selected by the council, shall constitute a board of equalization for the city. They shall meet and perform their duties as provided by law.

Sec. 47. LEVY AND COLLECTION OF TAXES.-- On or before the first day of October each year, the council by resolution, shall levy the taxes necessary to meet the requirements of the Budget for the ensuing fiscal year, subject to the limitations of this charter. The city clerk shall transmit to the county auditor annually, not later than the tenth day of October, a statement of all taxes levied, and such taxes shall be collected, and the payment thereof be enforced, as provided by the statutes of the State of Minnesota. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied exceeds the amount required to be raised for the specific purpose for which the same was levied; but in such case the surplus shall go into the fund to which such tax belongs.

Sec. 48. BONDED INDEBTEDNESS.-- All provisions of the statutes of the State of Minnesota authorizing the incurring of indebtedness and the issuance of bonds or other evidences of indebtedness and prescribing the procedure therefor, by cities of like

Sec. 38. POLICE DEPARTMENT.-- The mayor shall be the head of the police department. There shall be a chief of police appointed by the mayor, whose appointment shall be confirmed by the council. He shall hold office until his successor is appointed and qualified. There shall be such other officers of the peace as the mayor from time to time may deem necessary to employ.

Sec. 39. FIRE DEPARTMENT.-- There shall be a chief of the Fire Department, elected by its members from the personnel of the voluntary fire department of the City of Fairmont, and whose election shall be confirmed by the council. He shall serve until his successor is elected and qualified.

If a full-time, paid chief of the department is to be employed, he shall be appointed by the council.

Sec. 40. HEALTH DEPARTMENT.-- The Health Department shall be controlled by the Board of Health which shall be comprised of three members, appointed by the mayor, whose appointment shall be confirmed by the council. The Chief of Police shall be one member of the Board. At least one member of the Board shall be a regularly licensed and practicing physician residing within the city.

Sec. 41. LIBRARY DEPARTMENT.-- The Library Department shall be controlled by the Library Board which shall be comprised of nine members appointed by the mayor, according to the laws of the State of Minnesota, and whose appointment shall be confirmed by the council.

Sec. 42. CONTRACTS AND PURCHASES.-- In cases of work to be done by contract or in the purchase of property of any kind, except for supplies and materials required for the proper operation and maintenance by the public utilities herein referred to, where the amount involved is more than one thousand dollars, unless the council by an emergency ordinance otherwise shall provide, the city clerk shall procure bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only to the lowest responsible bidder. The council, however, may reject any and all bids.

CHAPTER V

ADMINISTRATION OF CITY AFFAIRS--DEPARTMENTS.

Sec. 34.-- SUBORDINATE OFFICERS.-- There shall be a city clerk, a city treasurer, a city attorney, a city engineer, a city assessor, a street commissioner, and such other subordinate officers as are designated in this charter, or as the council may create, each of whom shall be appointed by and perform such duties as are required of them by the council. The duties of the various officers may be altered or combined as the council may see fit.

Sec. 35. DEPARTMENTS.-- The following departments of the City of Fairmont are hereby created: Water & Light; Public Heating; Police; Fire; Health; Library; and the council may create in addition such other departments, boards, commissions or bureaus for the administration of the city's affairs as may seem necessary. The council from time to time may define, alter or combine the powers and organization of departments, boards, commissions or bureaus.

Sec. 36. WATER AND LIGHT DEPARTMENT.-- The water and light utilities of the City of Fairmont shall be in charge of a water and light commission composed of three members. The members of the commission shall be appointed by the mayor for terms of three years each, and their appointment shall be confirmed and their salaries fixed by the city council.

Beginning with the year 1927 one member of the commission shall be appointed for one year, one member for two years and one member for three years, and thereafter one member shall be appointed each year for a term of three years.

Sec. 37. PUBLIC HEATING DEPARTMENT.-- The public heating utility of the City of Fairmont shall be in charge of a public heating commission composed of three members. The members of the commission shall be appointed by the mayor for terms of three years each, and their appointment shall be confirmed and their salaries fixed by the city council.

Beginning with the year 1927 one member of the commission shall be appointed for one year, one member for two years, and one member for three years, and thereafter one member shall be appointed each year for a term of three years.

voters of each election precinct to be judges of election therein. The judges of each precinct shall appoint two qualified electors of the same precinct, or as many more as may be authorized by the council, to serve as clerks of election therein.

Sec. 30. NOMINATION FOR OFFICE.— At any time after January 1st, preceding any municipal election, and at least fifteen days prior to such election, any eligible person may become a candidate for any office elective under the provisions of this charter by filing an affidavit with the city clerk, specifying therein the office for which he is a candidate at the ensuing election, and that he is a candidate for such office. At the time of filing said affidavit he shall pay to said clerk a fee of five dollars.

Sec. 31. COUNTING OF VOTES.— When the polls at any election are closed, the votes cast upon any proposition or for any candidate shall be forthwith and publicly counted by the judges and clerks of election, who forthwith shall make return thereof showing therein the total number of votes cast in such precinct, the number of votes cast for each person and for each office, and the number of votes cast for or against any proposition voted upon. The ballots and the return shall be sealed in an envelope prepared for the purpose and be delivered to and left with the city clerk.

Sec. 32. CANVASS OF VOTES—TERMS OF OFFICE.— The council of the City of Fairmont as then constituted shall meet on the Thursday next following the first election of officers under this charter, canvass the returns and declare the results as appear therefrom; and the council of said city shall meet on the Thursday next following each city election under this charter, canvass such returns and declare the result as it appears therefrom. The clerk shall forthwith notify all persons declared elected to office of that fact, which said notice shall be given by registered mail.

Sec. 33. STATE ELECTION LAWS TO APPLY.— Except as herein otherwise provided, and as far as practicable, the statutes of the State of Minnesota governing, controlling and regulating general elections, shall apply to, govern, control, and regulate municipal elections provided for in this charter.

Sec. 26. PROCEEDINGS ON RESOLUTIONS.-- Every resolution shall be in writing, and shall be read in full at a council meeting before the vote thereon is taken, except that the reading thereof may be dispensed with by unanimous consent. All resolutions shall be signed by the mayor, attested by the clerk, recorded and kept on file in the office of the clerk.

Resolutions need not be published in full, but a proper reference to each resolution shall be made in the minutes of the council meeting at which it is adopted, showing the purpose and character of the resolution.

CHAPTER IV

ELECTIONS

Sec. 27. REGULAR MUNICIPAL ELECTIONS.-- A regular municipal election shall be held on the first Tuesday after the first Monday in April, in the year 1927, and biennially thereafter on the first Tuesday after the first Monday of April at such place or places as the city council may designate. The city clerk shall give notice of the time and places of holding such election and of the officers to be elected thereat, and the questions to be submitted to vote, if any, by publishing a notice thereof in all the newspapers in said city, which publication shall be made on the first and second Tuesdays preceding such election. A failure to give such notice, however, shall not invalidate the election. All elective officers shall be elected at such municipal election. The polls shall be kept open from 8 o'clock A. M. to 6 o'clock P. M.

Sec. 28. SPECIAL ELECTIONS.-- The council by resolution may order a special election, fix the time of holding the same, the notice thereof, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for the regular municipal elections.

Sec. 29. JUDGES AND CLERKS OF ELECTION.-- The council at least ten days before each regular municipal or special election shall appoint three qualified

each member shall be recorded in the minutes. The affirmative vote of a majority of all members of the council shall be required for the passage of all ordinances and resolutions except as otherwise provided in this charter.

Sec. 22. PROCEEDINGS ON ORDINANCES.— The enacting clause of all ordinances shall be the words "Be It Ordained by the City of Fairmont, Minnesota, as follows:"

Every ordinance shall be in writing. Every ordinance, other than emergency ordinances, shall have two public readings in full, and the second reading shall be not less than fourteen days after the first reading thereof. Every ordinance shall be published forthwith once in the official newspaper of the city, and shall take effect and be in force from and after its publication, except in case of emergency ordinances.

Sec. 23. 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 the preamble thereto. There shall be a separate vote on the preamble by recorded yeas and nays to determine whether or not an emergency exists. An emergency ordinance or resolution may be enacted at the meeting at which it is introduced and upon one reading thereof. Such emergency ordinance shall be published, but such ordinance shall take effect immediately upon its passage and before publication. No grant of any franchise or sale or lease of property shall be construed to be an emergency ordinance or resolution.

Sec. 24. SIGNING AND RECORDING ORDINANCES.— Every ordinance shall be signed by the mayor, or by two other members, attested by the clerk, and filed by the clerk in his office. The clerk forthwith shall record such ordinance in a book kept for the purpose, and the record shall be certified by the clerk.

Sec. 25. AMENDMENT AND REPEAL OF ORDINANCES.— Every ordinance purporting to amend an ordinance shall set forth therein the section or sections of the original ordinance in the form that such section or sections will read when amended. Every ordinance for the repeal of an ordinance shall refer to the ordinance to be repealed by its number and by its caption.

shall be endorsed by the mayor as having been so approved.

The provisions of the statutes of the State of Minnesota relative to official bonds, not inconsistent with this charter, shall be complied with.

Sec. 18. INVESTIGATION OF CITY AFFAIRS.-- The council and any officer or officers authorized by such council shall have power to investigate the affairs of the city, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council at any time may provide for an examination or audit of the accounts of any officer or department of the city.

CHAPTER III

COUNCIL AND LEGISLATION

Sec. 19. COUNCIL MEETINGS AND QUORUM.-- Regular meetings of the council of said city shall be held on the first and third Thursdays in each month, at eight o'clock in the afternoon. A majority of said council shall constitute a quorum, but a smaller number may meet and adjourn from time to time. The mayor or any two members of the city council may call special meetings of the council upon such reasonable notice to all members of the council as the official or officials calling the same deem sufficient. All meetings of the council shall be public; and any citizen shall have access to the minutes and records thereof at all reasonable times. Council proceedings shall be published in full in the official city newspaper within seven days, except that ordinances and resolutions included in such proceedings may be covered by reference to subject matter only.

Sec. 20. RULES OF PROCEDURE.-- The council shall make its own rules, prescribe the order of business, and keep a journal of its proceedings. The council shall provide by ordinance a means by which a minority may compel the attendance of absent members.

Sec. 21. ORDINANCES, RESOLUTIONS AND MOTIONS.-- Except as in this charter otherwise provided, all legislation shall be by ordinance or resolution. The final vote upon all ordinances or resolutions shall be by ayes and noes, and the vote of

sevenths vote of all its members, it shall have the same effect as if approved by the mayor. If an ordinance or resolution shall not be deposited with the clerk by the mayor within ten days after it shall have been presented to him, the same shall have the same effect as if approved by him.

Sec. 14. CITY CLERK, POWERS AND DUTIES.-- The city clerk shall be the clerk of the city council. He shall have the care and custody of the corporate seal of said city and, with the exception of those papers and records pertaining strictly to the operation and maintenance of the respective public utilities hereinafter provided for, of all papers, instruments, files and records of the city. He shall prepare and sign all orders and warrants, excepting the warrants of the public utilities hereinafter mentioned and shall keep such records and accounts as he shall be required to keep by this charter or by the council. He shall keep in permanent form minutes of all council meetings. He shall have all the powers, rights and privileges and perform all the duties imposed or granted by the city council, or by the statutes of the State of Minnesota so far as applicable, and except as herein otherwise provided. All fees paid to the city clerk shall be turned over by him to the city treasurer.

Sec. 15. OATH OF OFFICE.-- Every officer of the city before entering upon the duties of his office shall 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 the State of Minnesota, and to faithfully discharge the duties devolving upon me as _____ of the City of Fairmont, to the best of my judgment and ability."

Sec. 16. SALARIES.-- The council shall fix the salaries of all officers of said city, either elective or appointive, including heads of departments. The salary of no officer shall be increased during the term for which he is elected. The salaries or wages of all employes of the city, except the salaries or wages of the employes of the public utilities hereinafter mentioned, shall be fixed by the city council.

Sec. 17. OFFICIAL BONDS.-- Every officer of said city and every employe designated by the council, before entering upon the duties of their respective offices, shall give bond to the city in such sum as may be fixed by the council as additional security for the faithful performance of their respective official duties and the safe keeping of the public funds. Such bonds shall be approved by the city council and

city for more than three months, or by conviction of a felony of any such person whether before or after his qualification; or by reason of any failure of any aldermen or justice of the peace, as the case may be, without good cause to perform any of the duties of his office or membership in the council for a period of three months, in each such case, the council by resolution shall declare such vacancy to exist, and except in the case of office of mayor, forthwith shall appoint an eligible person to fill the vacancy until the next regular municipal election.

Sec. 12. THE MAYOR, POWERS AND DUTIES.-- The mayor shall be the presiding officer of the council; except that a president pro tempore shall be chosen/who shall serve as president in the mayor's absence, and as acting mayor in case of the mayor's disability preventing him from performing his duties or in case of his absence from the city. He shall be the chief executive officer of the city and shall have command and control of its police force. The mayor shall exercise all powers and perform all duties conferred and imposed upon him by this charter, the ordinances of the city, and the constitution and statutes of the State of Minnesota.

In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council forthwith shall order a special election to fill the vacancy for the unexpired term; provided that if such vacancy occurs less than six months from the expiration of the term of said mayor, then no special election shall be held; but the duties of said mayor shall rest upon and be discharged by the president pro tempore of said council as fully and to all intents and purposes as if said president pro tempore were the duly elected and qualified mayor.

Sec. 13. VETO POWER.-- Every ordinance or resolution of the council before it takes effect, shall be presented to the mayor for approval. If he shall approve it, he shall sign the same, but if he disapprove it, he shall return it to the council with his objections thereto, by depositing the same with the clerk, to be presented to the council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be put again upon the passage of the same, notwithstanding the objections of the mayor; and if, upon such submission, the council shall pass the same by a five-

shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

Sec. 6. POWERS, HOW EXERCISED.-- All powers of the City of Fairmont, unless otherwise provided by this charter, shall be exercised by the city council or under its direction.

CHAPTER II

FORM OF GOVERNMENT.

Sec. 7. FORM OF GOVERNMENT.-- The form of government established by this charter shall be known as the "Mayor-Council Plan."

Sec. 8. ELECTIVE OFFICERS.-- The elective officers of the city shall be the members of the council including the mayor, and two justices of the peace, all of whom shall be qualified electors of said city and shall hold their respective offices for the term of two years, commencing on the first Tuesday next following their election and until their successors are elected and qualified.

Sec. 9. COUNCIL.-- The council shall be composed of the mayor and seven aldermen, two of which aldermen shall be elected by and from the electors of each ward of said city respectively, and who shall be bona fide residents of their respective wards, and one alderman to be elected by and from the electors of said city at large. The mayor shall have no vote in the proceedings in said council, except in the case of a tie vote.

Sec. 10. INCOMPATIBLE OFFICERS.-- No member of the council shall hold any other municipal office or become an employee of said city while serving as such council member. No former member shall be appointed to any paid office or employment of the city, which office or employment was created, or the emoluments of which were increased, during his term as alderman, until two years after the expiration of the term for which he was elected.

Sec. 11. VACANCIES.-- A vacancy in the council or in the office of justice of the peace, shall be deemed to exist in case of the failure of any person elected thereto to qualify within 30 days from and after his election, or by reason of the death, resignation, removal from office, removal from the city, continuous absence from the

along and upon the center line of Blue Earth Avenue to the eastern boundary of said city, shall constitute the FIRST WARD.

All that part of said city lying north of said last above described line, and south of a line commencing at a point where the center line of Fifth Street, if extended, would intersect the east shore line of Lake Sisseton, thence easterly along said center line, if extended, to the eastern boundary of said city, shall constitute the SECOND WARD.

All that part of said city lying north of said last above described line shall constitute the THIRD WARD.

Sec. 4. POWERS OF THE CITY.— The City of Fairmont, 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 usually exercised by or which are incidental to, or inhere in municipal corporations of like power and degree; also all powers, functions, rights and privileges now or hereafter given or granted to municipal corporations of like power and degree by the constitution and laws of the State of Minnesota, in its corporate name it may take and hold, by purchase, condemnation, gift, or devise, and may lease and convey any and all such real, 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. Said city shall have and possess power to levy taxes and expend money for the treatment, purification, and betterment of the waters in lakes within, without, and adjacent to the corporate limits of said city.

Sec. 5. CONSTRUCTION OF THE CHARTER.— The provisions of this charter shall be construed liberally in favor of the city, to the end that it may have all necessary power 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

CHARTER
CITY OF FAIRMONT
MINNESOTA

CHAPTER I

NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS.

Sec. 1. NAME.-- The City of Fairmont, in the County of Martin and State of Minnesota, upon the taking effect of this charter, shall continue to be a municipal corporation, under the name and style of the City of Fairmont, with the same boundaries as now are or hereafter may be established.

Sec. 2. BOUNDARIES.-- The territory included in the present boundaries is as follows:

All of section 5; all of section 6, excepting the southeast quarter of the southeast quarter and the east half of the southwest quarter of the southeast quarter of said section 6; the west half of the northwest quarter, and the northwest quarter of the southwest quarter, of section 9; all that part of section 7 lying between Lake George and Lake Sisseton and lying east of the center of the channel between said Lake George and Lake Sisseton; all that part of sections 7 and 18 lying between Lake Sisseton and Budd Lake and lying east of the center of the channel between said Lake Sisseton and Budd Lake; all of the northwest quarter of section 17 lying east and north of Budd Lake, and the west half of the west half of the northeast quarter of said section 17; all of said territory lying and being in township 102 north, of range 50 west of the fifth principal meridian, in Martin County, Minnesota.

Sec. 3. WARDS.-- The City of Fairmont is hereby divided into three wards to be called the First, Second and Third Wards respectively, and to be limited and bounded as follows:

All that part of said city lying south of a line commencing at the northwest corner of lot one (1) in block one (1) of Webster & Johnstone's Addition to the Village, now city, of Fairmont, extending thence east along the north line of said lot one (1) to the northeast corner thereof, thence easterly across Main Street to the center of Blue Earth Avenue where it intersects with Main Street, thence east