



The City of Luverne Minnesota · 203 East Main · Luverne, Minnesota 56156 · Phone 507-283-2388

Office of: City Administrator

September 2, 1987

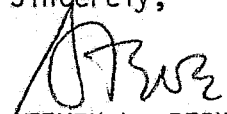
Ms. Joan Anderson Growe
Secretary of State
State of Minnesota
180 State Office Building
St. Paul, Minnesota 55155

Dear Joan:

Pursuant to Minnesota Statutes 410.11, enclosed herewith you will find a certification attesting to the accuracy of the copy of the adopted new Charter and indicating the vote by which the Charter was adopted.

Should you have any questions in regards to this matter, please do not hesitate to contact me.

Sincerely,


STEVEN L. PERKINS
CITY ADMINISTRATOR

SLP:mo

Enclosure

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP - 8 1987

Joan Anderson Growe
Secretary of State

37582

O.D.

CERTIFICATION

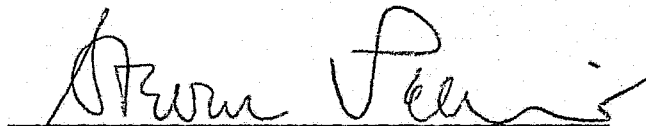
I, Steven L. Perkins, the duly appointed and acting City Administrator in and for the City of Luverne, Rock County, Minnesota, and by virtue of said office I am the custodian of the official records, chief election official, and secretary to the City Council. I do hereby attest and certify to the following:

1. The City Charter attached to this certification is a true, accurate, and correct copy of the original proposed new Charter submitted to the City Council by the Charter Commission which is on file in my office.

2. The proposed new Charter was voted upon at a duly called Special Election held September 1, 1987, and the results of said election as submitted by the election judges were duly canvassed by the City Council on September 1, 1987, wherein the Council certified that the proposed new Charter was adopted by a vote of 763 yes to 706 no, with one blank ballot.

3. That pursuant to Minnesota Statutes 410.11, the Charter shall take effect 30 days after the election, which will be October 1, 1987.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 2nd day of September, 1987, and cause the seal of the City to be affixed hereto.


Steven L. Perkins, City Administrator

(SEAL)

PROPOSED HOME RULE CHARTER

OF

LUVERNE, MINNESOTA

CONTENTS

<u>CHAPTER</u>	<u>TITLE</u>	<u>PAGE</u>
1	NAME, FORM OF GOVERNMENT, BOUNDARIES, POWERS, AND GENERAL PROVISIONS	1
2	THE CITY COUNCIL	2
3	THE CITY ADMINISTRATOR	4
4	COUNCIL PROCEDURE	5
5	NOMINATIONS AND ELECTIONS	7
6	INITIATIVE, REFERENDUM, AND RECALL	9
7	TAXATION AND FINANCES	15
8	PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS	19
9	EMINENT DOMAIN	20
10	FRANCHISES	20
11	PUBLIC OWNERSHIP AND OPERATION OF UTILITIES	21
12	MISCELLANEOUS AND TRANSITORY PROVISIONS	22

CHARTER
OF THE
CITY OF LUVERNE
Rock County, Minnesota
(Proposed)

CHAPTER 1
NAME, FORM OF GOVERNMENT, BOUNDARIES,
POWERS, AND GENERAL PROVISIONS

SECTION 1.01. NAME. The City of Luverne, in the County of Rock and State of Minnesota (herein the "City"), shall continue to be a municipal corporation under that name.

SEC. 1.02. FORM OF GOVERNMENT. The form of government established by this Charter is the "Mayor-Council Plan".

SEC. 1.03. BOUNDARIES. The boundaries of the City are the same as they now are or hereafter may be established.

SEC. 1.04. POWERS. The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this State to exercise in harmony with the Constitutions of this State and of the United States. It is the intention of this Charter to confer upon the City every power which it would have if it were specifically mentioned. The Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other Sections of this Charter does not limit the powers of the City to those so mentioned.

SEC. 1.05. WARDS. The City shall be divided into two wards. Each ward shall be composed of contiguous territory as regular and compact in form as practical, depending upon the geography of the area involved and shall be as nearly equal in population as possible. That portion of the City lying north of a line running east and west as established by ordinance shall be termed Ward Number 1, and that portion of the City lying south of said line shall be termed Ward Number 2. The Council may at any time reapportion the wards using a statistically verifiable means to estimate population so as to make the wards as nearly equal in population as practicable, and to adopt such change by ordinance.

SEC. 1.06. 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.

SEC. 1.07. WORD USAGE. For purposes of this Charter, words used in the present tense shall include the future; words in the singular shall include the plural, the plural the singular; the words in the masculine shall include the feminine, and the feminine the masculine.

CHAPTER 2

THE CITY COUNCIL

SECTION 2.01. COMPOSITION AND ELECTION. The Council shall be composed of a Mayor and four Aldermen, all of whom must be eligible to hold office under the Constitution of this State. Two Aldermen shall be elected from each Ward and the Mayor shall be elected at-large. Each Alderman shall serve for a term of four years and until his successor is elected and qualifies. The Mayor shall serve for a term of two years and until his successor is elected and qualifies. The Council shall be judges of the election returns.

SEC. 2.02. POWERS AND DUTIES. The Council shall exercise exclusive legislative authority. The Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The Council shall provide for an audit of the City's accounts at least once a year by the State department in charge of such work or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City and it may cause to be made any survey or research study of any subject of City concern. The Council shall fix and determine salaries to be paid employees and employee benefits. The Council shall appoint a City Administrator and fix his compensation and benefits. All powers, and authority to determine matters of policy, are vested in the Council unless they are specifically granted or delegated to some other officer, body or agency.

SEC. 2.03. INCOMPATIBLE OFFICES. No member of the Council may hold any paid municipal office or employment under the City other than that to which elected, and until thirty days after the expiration of his term as Mayor or Alderman, no former member shall be appointed to any paid appointive office or employment under the City, which office or employment was created or the emoluments of which were increased during his term as a member of the Council.

SEC. 2.04. VACANCIES. A vacancy in the Council, whether it be in the office of Mayor or Alderman, shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new Council, or by reason of the death, resignation, removal from office, removal from the City, continuous absence from the City for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any member of the Council 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 shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election when the office shall be filled for the unexpired term. In the event an Alderman moves his residence from the ward from which he was elected to the other ward within the City, no vacancy shall be deemed to exist during the unexpired portion of the current term, but he should serve to the end of such term as though there had been no such removal. Nor shall a change in ward boundaries as herein provided in any way affect the current term of any Alderman. However, a candidate for election or re-election to the office of Alderman must be a bona fide resident of the ward from which he seeks election and meet all other requirements of such candidate.

SEC. 2.05. SALARIES. The members of the Council shall serve with reasonable compensation. The Council, by ordinance, may change the annual salary of its members. No ordinance changing such salaries shall take effect before sixty days following the publication thereof.

SEC. 2.06. BOARDS AND COMMISSIONS. The Council may, by ordinance or resolution, establish and regulate any board or commission to advise the Council with respect to any City function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions. The Council may, by ordinance, establish and regulate any administrative board or commission, and by such ordinance specify the powers and duties of such board or commission. Any board or commission may be abolished by action of the Council similar to that by which it was established.

SEC. 2.07. THE MAYOR. The Mayor shall be the presiding officer of the Council. The Mayor shall have a vote, as a member of the Council, only in case of a tie. He shall exercise all powers and perform all duties conferred and imposed upon him by this Charter, the ordinances of the City, and the laws of the State. He 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 martial law. 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.

SEC. 2.08. THE ACTING MAYOR. The Council shall choose from the Aldermen an Acting Mayor who shall hold such office at the pleasure of the Council. The Acting Mayor shall serve as presiding officer in the Mayor's absence and as Mayor in case of the Mayor's temporary disability or absence from the City. The Acting Mayor, while serving as presiding officer or performing other duties as Mayor, shall have full voting privileges as an Alderman.

CHAPTER 3

THE CITY ADMINISTRATOR

SECTION 3.01. THE OFFICE. The City Administrator shall be the Chief Administrative Officer and all administrative functions of the City, as such are from time to time specifically defined by the Council, shall be performed by him.

SEC. 3.02. SPECIFIC POWERS AND DUTIES. Unless specifically modified, revoked, amended or altered by Ordinance, the City Administrator shall have the following specific powers and duties: (1) supervision over all departments and employees; (2) he shall appoint, suspend, remove, promote, demote and transfer all employees of the City to accomplish efficiency and economy, but all in accordance with laws pertaining thereto; (3) attend Council meetings; (4) prepare and submit the annual budget; (5) keep minutes of all Council meetings, or designate another person to perform this function; (6) act in the capacity of City Clerk as to all matters relating to statutes and other laws; (7) negotiate and make such purchases as can be accomplished without competitive bidding and obtain estimates, quotations, sealed bids, or contracts in excess of such amount; (8) keep the Council advised of the financial condition of the City and recommend from time to time the adoption of such measures as he may deem necessary or expedient for the health, safety and welfare of the community; (9) recommend salaries to be paid City officers and employees; and, (10) perform other duties specified by this Charter or necessary to carry out the duties of Chief Administrative Officer.

SEC. 3.03. APPOINTMENT AND REMOVAL. The City Administrator shall be chosen solely on the basis of training, experience and administrative qualifications and he need not be a resident of the City at the time of appointment. The City Administrator shall be appointed for an indefinite term and may be removed by the Council at any time by an affirmative vote of the majority of the Council upon specified grounds which shall be reduced to writing and served upon him at the time of said dismissal or removal. After receipt of said written notice, the Administrator may demand a public hearing which shall be held prior to the time his removal or dismissal shall become effective.

CHAPTER 4

COUNCIL PROCEDURE

SECTION 4.01. COUNCIL MEETINGS. At the first regular meeting in January following a general City election, the newly elected members of the Council shall assume their duties. Thereafter the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor or any two members of the Council may call special meetings of the Council upon at least twelve hours notice to each member of the Council. Such notice shall be delivered personally to each member or shall be left at his usual place of residence with some responsible person. All meetings of the Council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

SEC. 4.02. RULES OF PROCEDURE AND QUORUM. The Council shall determine its own rules and order of business. Three Aldermen shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by rule provide a means by which a minority may compel the attendance of absent members.

SEC. 4.03. ORDINANCES, RESOLUTIONS, AND MOTIONS. Except as in this Charter otherwise provided, all legislation shall be by ordinance. The aye and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of at least three members of the Council shall be required for the adoption of all ordinances and resolutions, except as otherwise provided in this Charter.

SEC. 4.04. ORDINANCE ADOPTION, AMENDMENT AND REPEAL PROCEDURE.

Subd. 1. Form and Adoption. The ordaining clause of all ordinances shall be in the words, "The City of Luverne ordains". Every ordinance shall be introduced in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title.

Subd. 2. Signing and Publication. Every ordinance adopted by the Council shall be signed by the Mayor or by two other members, attested by the City Administrator and filed and preserved by him. Every ordinance shall be published once in the official newspaper. However, as to lengthy ordinances, or ordinances which include charts or maps, the Council may, by unanimous vote, determine that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of such ordinance, and direct that only the title and summary be published with a notice that a printed copy of the ordinance is available for inspection during regular office hours at the office of the City Administrator and at the City Library. The text of the summary shall be approved by the Council prior to publication. Such publication shall be deemed to fulfill all legal requirements

for publication as completely as if the entire ordinance had been published. Proof of publication shall be attached to and filed with the ordinance. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a State administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Subd. 3. Emergency. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four hours after the ordinance has been filed with the City Administrator and posted in three conspicuous places or until the ordinance has been once published in the official newspaper, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission of which complaint is made.

Subd. 4. When Effective. An emergency ordinance shall take effect immediately upon its adoption or at such later date as is fixed in it. Every other ordinance shall take effect seven days after publication or at such later date as is fixed therein. Every ordinance adopted by the voters of the City shall take effect immediately upon its adoption, or at such later time as is fixed therein.

Subd. 5. Amendment or Repeal. Every ordinance repealing a previous ordinance or section or subdivision of a codification shall give the number, if any, and the title of the ordinance or section or subdivision to be repealed in whole or in part. No ordinance or section or subdivision shall be amended by reference to the title alone, but such an amending ordinance shall set forth in full each section or subdivision so amended.

SEC. 4.05. CODIFICATION OF ORDINANCES. The City may revise, re-arrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the City Administrator for general distribution to the public free or at a reasonable charge. Distribution in such published form shall be a sufficient notice of any ordinance provision not previously published.

SEC. 4.06. RESOLUTIONS. Every resolution shall be presented in writing unless such form is waived by the unanimous consent of the Council. All resolutions shall be signed by the Mayor or two other members of the Council, attested by the City Administrator and filed and preserved by him. All resolutions take effect immediately upon adoption or at such later date as is fixed therein.

CHAPTER 5

NOMINATIONS AND ELECTIONS

SECTION 5.01. NOMINATION BY PETITION. All members of the Council provided for by this Charter shall be nominated by petition signed by at least twenty persons registered to vote in the City if the petition is for nomination of a candidate for Mayor, or signed by the same number of persons registered to vote in the Ward proposed to be represented by a nominee for Alderman. The number of petitions that may be signed by a registered voter is unlimited. All such petitions shall be filed with the City Administrator, which filing shall neither be before the first Monday in July, nor later than the first Monday at 5:00 o'clock P.M. in August of the year in which the election is to be held.

SEC. 5.02. 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 of 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 registered voters of the City of Luverne, hereby nominate _____, whose address is _____, 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 registered voters.

Name:

Street and Number:

_____, being duly sworn, deposes and says that ___he___ is/are the circulator___ of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in ___h___ presence and are the original signatures of the persons whose names they purport to be.

§ 5.02

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

Notary Public

This petition, if found insufficient by the City
Administrator, shall be returned to _____
_____, at No. _____,
Street.

I here indicate my willingness to accept the office
of _____ if duly elected thereto.

I hereby certify that the foregoing petition was
filed in my office on the _____ day of _____,
19_____, at _____ M.

SEC. 5.03. THE PRIMARY CITY ELECTION. If more than two persons are nominated for the office of Mayor there shall be a City-wide primary City election. If more than two persons are nominated for a single office of Alderman in either Ward, there shall be a primary City election in such Ward for such office. If no more than two persons are nominated for any single office on the Council, no primary City election shall be held. Any primary City election shall be held on the first Tuesday after the second Monday in September of each even-numbered year at such place or places as the Council may designate.

SEC. 5.04. GENERAL CITY ELECTION. A general City election shall be held on the first Tuesday after the first Monday in November of each even-numbered year at such place or places as the Council may designate. If no more than two persons are nominated for a single office their names shall appear as candidates on the ballot in the general City election. If a primary City election is held, the names of the two nominees receiving the largest number of votes for a single office shall appear on the ballot as candidates in the general City election.

SEC. 5.05. SPECIAL ELECTIONS. The Council may by resolution order a special election and provide all means for holding it. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

SEC. 5.06. ELECTION NOTICE. The City Administrator shall give at least two weeks previous notice of the time and place of holding all elections and of the officers to be elected, or the

issue to be decided, by posting in at least one public place in each voting precinct and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

SEC. 5.07. CANVASS OF ELECTIONS. The Council shall meet and canvass the election returns within five days after any election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Administrator. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected, or the result of any issue decided; (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 Administrator shall forthwith notify all persons elected of their election.

SEC. 5.08. PROCEDURE AT ELECTIONS. Subject to the provisions of this Charter and applicable State laws, the Council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided in this Charter or in ordinances adopted pursuant thereto, the general laws of the State of Minnesota pertaining to elections shall apply to municipal elections.

CHAPTER 6

INITIATIVE, REFERENDUM, AND RECALL

SECTION 6.01. POWERS RESERVED BY THE PEOPLE. The people of the City reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when passed by the Council to be referred to the registered voters for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

SEC. 6.02. FURTHER REGULATIONS. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this Charter, as it deems necessary.

Initiative

SEC. 6.03. INITIATION OF MEASURES. Any five registered voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition they shall file a certified copy of their proposed ordinance with the City Administrator together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

SEC. 6.04. FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any ordinances shall consist of the ordinance, together with all signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by fifty registered voters. 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:

Initiative Petition

proposing an ordinance to _____ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of registered voters:

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

The undersigned registered voters understanding the terms and the nature of the ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the registered voters for their approval.

1. _____	_____
2. _____	_____
3. _____	_____

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

SEC. 6.05. FILING OF PETITIONS AND ACTION THEREON. All the signature papers shall be filed in the office of the City Administrator as one instrument. Within five days after the filing of the petition, the City Administrator shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least fifty. 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 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the Administrator shall file it 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 ordinance to the registered voters at the next regular or any special election at its option.

SEC. 6.06. ACTION OF COUNCIL ON PETITION. When the petition is found to be sufficient, the City Administrator 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 ordinance and refer it to an appropriate committee, which may be a committee of the whole. The Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than 65 days after the date upon which it was submitted to the Council by the City Administrator. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the vote of the registered voters at the next election; but if the number of signers of the petition is at least 200, the Council shall call a special election upon the measure. Such special election shall be held not less than 30 nor more than 45 days from the date of final action on the ordinance by the Council or after the expiration of 65 days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Administrator within 10 days of the adoption thereof by the Council, the ordinance need not be submitted to the registered voters.

SEC. 6.07. INITIATIVE BALLOTS. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the

registered voters voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of registered voters voting on the question shall prevail to the extent of the inconsistency.

SEC. 6.08. INITIATION OF CHARTER AMENDMENTS. Nothing in this Charter shall be construed as in any way affecting the right of the registered voters under the Constitution and statutes of Minnesota to propose amendments to this Charter.

Referendum

SEC. 6.09. THE REFERENDUM. If prior to the date when an ordinance takes effect a petition is signed by at least 100 qualified registered voters of the City, if filed with the City Administrator requesting that any such ordinance be repealed or be submitted to a vote of the registered voters, the ordinance shall thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote re-affirm its adherence to the ordinance as passed. In the latter case the Council shall immediately order a special election to be held thereon, or submit the ordinance at the next election, pending which the ordinance shall remain suspended. If a majority of the registered voters voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the registered voters voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

SEC. 6.10. REFERENDUM PETITIONS. The requirements laid down in Sections 6.03 and 6.04 above as to the formation of committees for the initiation of ordinances 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 to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of registered voters:

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

The undersigned petitioners understanding the nature of the ordinance 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 registered voters for their approval or disapproval.

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____

SEC. 6.11. REFERENDUM BALLOTS. The ballots used in any referendum election shall conform to the rules laid down in Section 6.07 of this Charter for initiative ballots.

Recall

SEC. 6.12. THE RECALL. Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The committee shall certify to the City Administrator the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words, and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

SEC. 6.13. RECALL PETITIONS. The petition for the recall of any official shall consist of a certificate identical with that filed with the City Administrator 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 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 Petition

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 registered voters:

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

The undersigned registered voters 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. _____	_____

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

SEC. 6.14. FILING OF PETITION. Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Administrator. The City Administrator shall examine the petition within the next five days, and if he finds it irregular in any way, or finds that the number of signers is less than 500, 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 Administrator 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.

SEC. 6.15. RECALL ELECTION. If a petition or amended petition is found sufficient, the City Administrator 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 resolution, provide for the holding of a special election not less than 45 nor more than 60 days after such meeting, but if any other election is to occur within 60 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

SEC. 6.16. PROCEDURE AT RECALL ELECTION. The City Administrator shall include with the published or posted notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his course 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.

SEC. 7.04. SUBMISSION OF BUDGET. Annually the City Administrator shall submit to the Council his recommended budget as directed by a budget calendar to be established by the Council or, in the absence thereof, by September 1. The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and, except as required by law or Charter, shall contain such information and be in such form as the City Administrator deems desirable or the Council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during ensuing years and the proposed method of financing each such capital expenditure. For each utility operated by the City, the budget shall show anticipated net surplus or deficit and the proposed method of its disposition. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by law and this Charter.

SEC. 7.05. CAPITAL IMPROVEMENT PROGRAM. Prior to submitting the annual budget, the City Administrator shall prepare and submit to the Council a recommended five-year capital improvement program. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedules for each such improvement; and for major improvements the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a public hearing on the capital improvement program and adopt it with or without amendment prior to the adoption of the annual budget.

SEC. 7.06. COUNCIL ACTION ON BUDGET. The budget shall be considered at the first regular monthly meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated fund balances. The Council shall adopt the budget not later than the first week of October by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying the amount of taxes provided in the budget and the City Administrator shall certify the tax resolution to the County Auditor in accordance with law not later than October 10. Adoption of the budget

resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named. The sums constituting an individual appropriation shall be the aggregate of all minor line item amounts contained in the detailed budget resolution for major categories of expenditures by general function or department within each fund. The Council shall, when adopting each budget, determine such major categories in accordance with generally accepted accounting practices.

SEC. 7.07. ENFORCEMENT OF THE BUDGET. The City Administrator shall enforce strictly the provisions of the budget. He shall not authorize any payment or the incurring of any obligation by the City unless an appropriation has been made for the same and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the City shall place any order or make any purchase for a purpose not authorized in the budget resolution. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount exceeding an appropriation shall be a personal obligation upon the person incurring the obligation. No check shall be issued or transfer made to any account other than one owned by the City until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet or other document approved and signed by the responsible City officer who vouches for its correctness and reasonableness.

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

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

SEC. 7.10. CITY INDEBTEDNESS. Except as provided in Sections 7.11 and 7.12, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

SEC. 7.11. ANTICIPATION CERTIFICATES. At any time after January 1, the Council may issue certificates of indebtedness in anticipation of State and Federal aids and the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed the total of State and Federal aids and current taxes due to the fund and uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due not later than April 1 of the year following their issuance. The proceeds of the tax levied and such State or Federal aids as the governing body may have allocated for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates.

SEC. 7.12. 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 necessitates the making of extraordinary expenditures, the Council may by ordinance issue on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed three years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a unanimous vote of the Council. It may be passed as an emergency ordinance.

SEC. 7.13. BANK LOANS. Whenever the Council, by resolution, deems it necessary and advantageous, it may borrow money from any bank for the purpose of financing any authorized capital improvement or other purpose as allowed by this Charter or by law. Such loans shall be payable within a maximum period of seven (7) years and shall be issued on such terms and in such manner as the Council may determine. If the amount of the obligations to be issued to finance any such purchase exceeds one percent of the assessed valuation of the City, excluding money and credits, they shall not be issued for at least thirty days after publication in the official newspaper of a Council resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by 100 registered voters is filed with the City Administrator, such obligations shall not be issued until the proposition for their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on such obligations as in the case of bonds as prescribed by law. In lieu of borrowing money by bank loans as authorized by this Section, the Council may issue any other form of legal City obligation as allowed by law or by this Charter.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

SECTION 8.01. POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS. The City 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 to pay all or any part of the cost of such improvements as are of a local character. The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvement, including all costs and expenses connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property.

SEC. 8.02. ASSESSMENTS FOR SERVICES. The Council may provide by ordinance that the cost of sprinkling, snow or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the costs of any services to other property undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

SEC. 8.03. LOCAL IMPROVEMENTS REGULATIONS. After this Charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by the law (or Charter provisions) applicable thereto. The Council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. The Council may elect to use State law or the local improvement ordinance for the purpose of providing local improvements and assessments thereof.

SEC. 8.04. PUBLIC WORK; HOW PERFORMED. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract. The City shall require contractors to give bonds for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the State.

CHAPTER 9

EMINENT DOMAIN

SECTION 9.01. POWER TO ACQUIRE PROPERTY. The City may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power or for any other public use, may be acquired by gift, devise, purchase, or condemnation in the manner provided by law. All such property acquisitions, including condemnation, shall be made under provisions of State law or other applicable law or regulation.

CHAPTER 10

FRANCHISES

SECTION 10.01. FRANCHISES REQUIRED. Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Administrator to guarantee publication before the ordinance is passed.

SEC. 10.02. TERM. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approved by a majority of the registered voters voting thereon.

SEC. 10.03. PUBLIC HEARING. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the Council, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten days prior to the date of the hearing.

SEC. 10.04. POWER OF REGULATION RESERVED. Subject to any applicable law the Council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

SEC. 10.05. RENEWALS OR EXTENSIONS. Every renewal or modification of a franchise, including an existing franchise, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

SECTION 11.01. ACQUISITION AND OPERATION OF UTILITIES. The City may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the City has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the City shall be under the supervision of the Council.

SEC. 11.02. RATES AND FINANCES. Upon recommendations made by the City Administrator or upon its own motion, the Council may fix rates, fares and prices, for municipal utilities but such rates, fares and prices 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 may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

SEC. 11.03. 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.

SEC. 11.04. 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 unanimous vote of the Council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

SEC. 11.05. PUBLIC UTILITY; HOW SOLD. No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the registered voters voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of State law.

CHAPTER 12

MISCELLANEOUS AND TRANSITORY PROVISIONS

SECTION 12.01. OFFICIAL PUBLICATIONS. The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

SEC. 12.02. 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, Alderman, City Administrator, etc.) of the City of Luverne to the best of my judgment and ability."

SEC. 12.03. CITY OFFICERS NOT TO BE INTERESTED IN CONTRACTS. Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

SEC. 12.04. OFFICIAL BONDS. The City Administrator, and such other officers or employees of the City as may be provided for by ordinance, shall each before entering upon the duties of his respective office or employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the Council. They shall be approved by the City Council, and approved as to form by the City Attorney, and filed with the City Administrator. The provisions of the laws of the State relating to official bonds not inconsistent with this Charter shall be complied with. The premiums on such bonds shall be paid by the City.

SEC. 12.05. SALE OF REAL PROPERTY. The sale or conveyance of any interest in real property of the City may be negotiated and a purchase agreement entered into by any practicable means, including a public auction or private sale, subject to approval by the Council in the form of adoption of an ordinance. The proceeds of any sale of such property 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. If there is no such outstanding indebtedness, the Council may by ordinance or resolution designate some other public use for the proceeds.

SEC. 12.06. VACATION OF STREETS. The Council may by resolution approved by unanimous vote, vacate any street, alley, public grounds, public way or any part thereof within the City. Such vacation may be made only after published notice and an opportunity has been given to affected property owners and the public to be heard, and upon such further terms and by such procedure as the Council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper County officers in accordance with law.

SEC. 12.07. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY. The City shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the City under the former charter.

SEC. 12.08. TERMS OF PRESENT MAYOR AND ALDERMEN. The present Mayor and Aldermen shall, upon adoption of this Charter, continue to serve their current terms.

§ 12.09

SEC. 12.09. 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 operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City, and shall be construed as supplementary to the provisions of this Charter.

SEC. 12.10. 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. 12.11. PENDING CONDEMNATIONS AND ASSESSMENTS. Any condemnation or assessment proceedings in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

SEC. 12.12. ORDINANCES TO MAKE CHARTER EFFECTIVE. The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

SEC. 12.13. PURCHASES AND CONTRACTS. All written contracts entered into on behalf of the City shall be approved by the Council and executed by the Mayor and the City Administrator in the name of the City. All purchases and contracts shall be made or let in accordance with applicable State law and requirements thereof for bidding, quotations, or direct negotiated purchases.

SEC. 12.14. CERTIFICATION OF DOCUMENTS. As to all documents, certified copies of which are appropriate, it shall be the duty of the City Administrator to make certifications.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP - 8 1987

Jean Anderson Howe
Secretary of State

137582
O.D.