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January 11, 1988

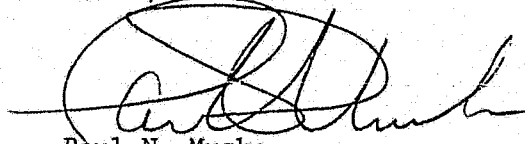
Secretary of State
180 State Office Building
St. Paul, MN 55155

Re: City of Springfield Charter

Ladies:

Enclosed please find a Certificate of Adoption of Charter executed by the Springfield City Clerk to which is attached a copy of the Charter. Please file this Charter as required by law and advise our office if there are any filing fees regarding this matter.

Yours very truly,
MUSKE, MUSKE & BOYLE



Paul N. Muske

PNM:jaw

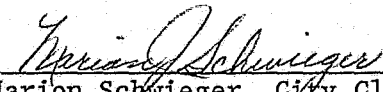
Enclosures

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 14 1988
Jean Anderson Howe
Secretary of State
#37841
O.D.

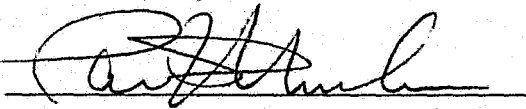
CERTIFICATE OF ADOPTION OF CHARTER

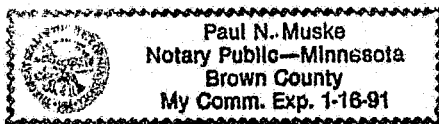
STATE OF MINNESOTA)
)ss
COUNTY OF BROWN)

The undersigned, being the City Clerk of the City of Springfield, Minnesota, does hereby certify and attest that attached hereto is a complete and fully accurate copy of the revised City Charter for the City of Springfield, Minnesota, which was duly adopted by the voters of the City of Springfield at a special election held on November 13, 1987, at which election 47 votes were cast in favor of adoption of said charter and 10 votes were cast against the adoption of said charter.


Marion Schwierger, City Clerk

Subscribed and sworn to before me
this 29th day of December, 1987.





CHAPTER 1

Name, Boundaries, Powers, and General Provisions

Section 1.01 NAME AND BOUNDARIES. The City of Springfield, Brown County, Minnesota shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established.

The City Clerk shall keep in his/her office at least two copies of this charter with all amendments and in each copy he/she shall maintain an accurate up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection any time during regular office hours.

Section 1.02 WARDS. The City of Springfield, Brown County, Minnesota, shall be divided into two wards, and the center line of Spring Avenue extended to the North and South limits of the City shall be the dividing line between the two wards. That portion of the City lying to the East of the center line of Spring Avenue shall be known as Ward number One (1), and that portion of the City lying to the West of the center line of Spring Avenue shall be known as Ward number Two (2) of the City of Springfield.

Section 1.03 POWERS OF THE CITY. The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of this state and 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 thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

CHAPTER 2

Form of Government

Section 2.01 FORM OF GOVERNMENT. The Form of Government established by this Charter is the "Council-Mayor Plan". Except as otherwise provided by law or this charter, the powers of the City are vested in the Council. The City Council shall have complete control of the city administration.

- Section 2.02 COUNCIL COMPOSITION AND ELECTION. The Council shall be composed of a Mayor and five council persons. The Mayor and one councilperson shall be qualified electors and shall be elected at large. There shall be two councilpersons elected from each ward, each of whom shall be qualified electors and actual residents of the ward from which they are elected. The Mayor shall serve for a term of four years and until his/her successor is elected and qualified. Each councilperson shall serve for a term of four years and until his/her successor is elected and has qualified.
- Section 2.03 CONTINUATION OF TERMS OF PRESENT COUNCIL. The term of the present Mayor and the terms of the present councilpersons shall terminate with the expiration of the period for which each was elected. The terms of office of all appointed positions which are continued under this charter shall terminate with the expiration of the period for which each such appointment was made, and until their successor is appointed and qualified.
- Section 2.04 DEPARTMENTS OF ADMINISTRATION. The Council may create such departments, commissions, divisions and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter the powers and organization of same.
- Section 2.05 THE MAYOR. The Mayor shall be the presiding officer of the Council and shall have the deciding vote in the event of a tie on the Council. The Council shall choose from its members a president pro-tempore who shall hold office at the pleasure of the Council. He/she shall serve as President in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purpose of martial law. The Mayor shall also be the chief executive of the City and shall direct the administration of the city's affairs, subject to the provisions of this charter and ordinances consistent therewith, and subject to the directions of the City Council.
- Section 2.06 SUBORDINATE OFFICERS. At its first regular meeting in January in odd years, the Council shall appoint the following administrative officers: A City Clerk, a City Treasurer, a City Attorney, and a City Assessor. Each such administrative officer shall be appointed for a term of two years, and shall be appointed solely on the basis of merit and fitness for his/her duties. The Council shall fix such compensation for each administrative officer as will secure competent and faithful performance of the duties thereof. The City Clerk shall be subject to the direction of the City Council and Mayor and shall have such duties in connection with keeping the public records,

the custody and disbursements of the public funds, and the general administration of the City's affairs as the Council may prescribe. The City Attorney shall be a person who has been admitted to practice in all the courts of this state. He/she shall be the legal advisor or the attorney for the City and all departments, commissions, boards and officers thereof in relation to their official powers and duties. No temporary replacement, special or assistant attorney shall be employed by any department of the City without prior approval of the Council.

Section 2.07 BOARDS AND COMMISSIONS. There shall be such separate administrative Boards and Commissions as are provided by this charter or which may hereafter be established by the City Council. Such Boards and Commissions shall exercise such powers and perform such duties as are specifically delegated to them, and any powers or duties not specifically delegated shall be reserved to the City Council.

Section 2.08 POLICE COMMISSION. There shall be a Police Commission consisting of three members each serving a three year term, one of which shall be appointed each year. To fill any vacancy on the Police Commission, the City Charter Commission shall submit the name of one qualified person to the City Council for each vacancy, and if the City Council rejects the person whose name is so submitted, then the Charter Commission shall submit the name of one other person, who must then be accepted by the City Council to fill the vacancy. The approval or rejection of persons whose names are submitted to the City Council shall be by the majority vote of the entire City Council, and the Mayor shall not vote on such approval or rejection. The Mayor shall be a non-voting member of the Police Commission and shall serve as a liaison between the Police Commission and the City Council. The City Council shall have the authority to delegate by ordinance to the Police Commission such powers and duties as the City Council deems advisable in relation to the operation of the police department and its personnel, except that the following powers shall at all times be exercised solely by the City Council:

1. The appointment, suspension, discipline or removal of the Chief of Police.
2. The purchase of any equipment or facilities for which competitive bids are required by state law.
3. Final approval with such alterations as deemed necessary of the operating budget of the Police Department for each fiscal year, including the setting of compensation of the Chief of Police and all other police personnel and the determination of the number of police positions to be maintained.

The Police Commission shall exercise such powers and duties as are specifically delegated to it by the City Council by ordinance, and in addition shall exercise the following powers:

1. To appoint, suspend, discipline or remove any police personnel except the Chief of Police, which action shall be effective immediately after the next regular or special City Council meeting following written communication of such action to the City Council, unless reversed by a 4/5 vote of the entire City Council at such meeting.
2. Following consultation with the Chief of Police, to annually submit a proposed operating budget for the Police Department to the City Council.
3. Following consultation with the Chief of Police, to set policies for the internal operation of the Police Department and for the performance of the duties of Police Department personnel subject to modification by a majority vote of the City Council.

Section 2.09

SPRINGFIELD PUBLIC UTILITIES COMMISSION. There shall be a Public Utilities Commission, which shall govern the department of Public Utilities. There shall be three commissioners each serving a three year term, one of which shall be appointed each year. To fill any vacancy on the Public Utilities Commission, the City Charter Commission shall submit the name of one qualified person to the City Council for each vacancy, and if the City Council rejects the person whose name is so submitted, then the Charter Commission shall submit the name of one other person, who must then be accepted by the City Council to fill the vacancy. The approval or rejection of persons whose names are submitted to the City Council shall be by the majority vote of the entire City Council, and the Mayor shall not vote on such approval or rejection. The Public Utilities Commission shall have such officers as are provided by ordinance, and no person shall serve more than one year in succession as president or chairman, unless there is an ongoing project involving a grant application, in which case the chairman may be re-elected by unanimous vote of the commission. The commission shall have the power to manage and operate such water work systems, wastewater collection systems, wastewater treatment facilities, steam heating system, electrical power plants, electrical distribution systems and other utilities as the city may own or acquire, in such manner as is provided by ordinance and subject to the provisions of this charter. The commission shall hire a Superintendent of Public Utilities who shall be required to show that he meets the requirements set by the commission for the supervision and operation of the utilities owned by the city, and to remove him for cause; and the commission shall delegate to the Superintendent the authority to appoint, hire, promote,

demote, discipline, or remove employees of the department in accordance with established personnel rules, but subject to approval of the commission. The commission shall set such charges against each class of consumer, public or private, for heat, water, electricity or other utility services as will meet the cost of production and transmission of such utilities consumed by such class of consumer, and as will in the judgment of the commission, yield appropriate sums for depreciation and reserve accounts, and for the retirement of any bonded indebtedness incurred by the city for capital expenditures of the department. From the various funds of the department, and the proceeds of such bonds of the City of Springfield as may be sold to provide funds for capital expenditures, the commission shall have the power to purchase or otherwise acquire such equipment as may be necessary to carry out its purposes. The commission may sell all water, heat, electricity and other utility services to any person or corporate body outside the territorial limits of the City of Springfield, and may buy such utilities from any such person or corporate body. The commission shall have control over funds derived from the operation of the department and the proceeds of such bonds of the city operation as may be sold to provide funds established for the payment of bonds and interest.

Section 2.10

PLANNING AND ZONING. There shall be a City Planning Commission consisting of five members appointed by the City Council for five year terms, one of which shall be appointed each year, and none of which shall hold any other City office. The Planning Commission shall be responsible for enforcing and implementing the Zoning Ordinance of the City and for establishing an orderly plan for the development or redevelopment of all areas within the City. The Planning Commission shall also exercise those powers relative to zoning matters as the City Council shall delegate by ordinances, which may be exercised without further action of the City Council if so specified by such ordinance. There shall also be a Zoning Board of Appeals, which shall consist of three members appointed by the City Council for three year terms, one of which shall be appointed each year, and none of which shall hold any other City office. The Zoning Board of Appeals shall have power to hear and determine appeals from any action of the Planning Commission in implementing and interpreting the Zoning Ordinance, but shall not review discretionary actions of the Planning Commission except as specifically provided by the Zoning Ordinance or State law. For the purpose of promoting the health, safety or general welfare of the City, the City Council may adopt such Zoning Ordinances as it deems appropriate, which may regulate the use of any parcel of land and the size and location of any structure thereon, as well as any other matter which is the proper subject of a Zoning Ordinance according to State law.

- Section 2.11 CITY CHARTER COMMISSION. There shall be a Charter Commission, which shall meet at least once each year. Such annual meeting shall be held on the first Tuesday of the month of February of each year. Additional meetings may be called at any time by the chairman. Election of officers shall be held each year at the annual meeting. The commission shall consist of not less than seven, nor more than fifteen members, which members shall be chosen and hold office as provided by state law. A majority of the members shall constitute a quorum for holding meetings.
- Section 2.12 SPRINGFIELD VOLUNTEER FIRE DEPARTMENT. There shall be a Springfield Volunteer Fire Department which is governed by Ordinance Chapter 7, of the City Code of the City of Springfield, and the Constitution and By-Laws of said Fire Department as approved by the City Council.
- Section 2.13 HOSPITAL BOARD. The City Council may by ordinance establish a Hospital Board, the function of which shall be to administer, maintain and control any hospital or other medical facility now or hereafter owned by the city. The City Council may by such ordinance delegate to the Hospital Board all powers which the City Council could exercise in operating such hospital or medical facility, except that no debt or expense shall be incurred by the Hospital Board which shall be a liability of the general fund of the city, unless specifically approved by the City Council.
- Section 2.14 INCOMPATIBLE OFFICES. No member of the council shall be appointed City Clerk, nor shall any member hold any paid municipal office or employment under the city; and until one year after the expiration of his/her term as Mayor or Councilperson, no former member of the council shall be appointed to any paid appointive office or employment under the city which was created or the compensation for which was increased during his term of office.
- Section 2.15 VACANCIES. An elective office becomes vacant when the person elected or appointed thereto dies before taking office or fails to qualify, or the incumbent dies, resigns in writing filed with the City Clerk, is convicted of a felony, ceases to reside in the city, fails without good cause to perform his duties for a period of six months, or is adjudged incompetent by a court of competent jurisdiction. In each such case, the council shall by resolution declare the vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy for the remainder of the unexpired term. An appointive office becomes vacant when the incumbent dies, resigns in writing filed with the City Clerk, is convicted of a felony, ceases to reside in the City (unless such residency requirement is waived by the City Council) or is removed from office as provided by this charter.

In each such case, such vacancy shall be filled for the remainder of the unexpired term in the same manner as the original appointment was made.

Section 2.16 REMOVAL OF OFFICERS OF THE CITY. Any administrative officer of the city and any members of any board or commission of the city, may be removed from his office by the affirmative vote of at least three members of the City Council, but no such officer shall be removed if more than one member of the City Council votes in opposition to such removal, and no such officer shall be removed except for just cause, nor unless he has first been furnished with a copy of the charges against him, and has had reasonable opportunity to be heard, in person or by counsel, in his own defense.

Section 2.17 REMOVAL OF ELECTIVE OFFICERS. Any five registered voters of the city 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 Clerk the name of the officer whose removal is sought, a statement of not more than two hundred fifty words of the grounds for removal, and a declaration of 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 prior to such certification. The petition for the recall of any official, consisting of a certificate identical with that filed with the City Clerk, together with all the signature papers and affidavits thereto attached, shall be signed by a number of voters equal to at least twenty percent of the total number of votes cast at the last preceding regular municipal election for the office. 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. Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk, who shall examine the same within the next five days, and if he finds it irregular or insufficient in any way he shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk shall find the petition still to be irregular or insufficient, he shall notify all members of the committee to that effect and shall file the petition in his office, and no further action shall be taken thereon unless such determination is appealed to the City Council. If the City Council reverses the determination of the City Clerk that the petition is insufficient by a three-fourths vote of the entire

council (exclusive of the officer sought to be removed), action on such petition shall proceed as if the City Clerk had determined that the petition was sufficient. If the petition be found sufficient, the City Clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting provide for the holding of a special recall election for the office. The recall election shall be held not less than thirty nor more than forty-five days thereafter; provided, that if any other election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time. In the published call for the election there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his course in office. In the recall election the officer whose recall is sought shall be a candidate; and other person or persons may file as candidates for the office not later than ten days prior to the date of the recall election; such filing, except for the specification of dates, shall be according to the provisions of Section 4.01. The candidate receiving the greatest number of votes in the recall election shall be deemed elected to complete the unexpired term of the office for which he was elected. Should no other candidate beside the incumbent file prior to ten days before the date set for the recall election, the election shall not be held; the incumbent shall thereupon complete the unexpired term of his office. Should the incumbent resign his office prior to ten days before the recall election, the election shall not be held, and the City Clerk shall thereupon certify the office to be vacant. Any vacancy created by such resignation shall be filled by the council as provided in Section 2.15.

- Section 2.18 TITLE OF RESIDENCY. When a person is employed by the City of Springfield, or appointed to an office, including commissioners, and board members, that person must become a resident of the City of Springfield within 300 days, providing that the City Council has determined that such residency is necessary in order for the person to fully perform their duties.
- Section 2.19 SALARIES. The salaries of the Mayor and Councilpersons will be set by the City Council in accordance with Minnesota State Statutes. Any salary increases will not take effect until after the next election of councilpersons.
- Section 2.20 INVESTIGATION OF CITY AFFAIRS. The Council may make investigations into the affairs of the City and the conduct of any City department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony, and

require production of evidence. The Council shall provide for an audit of the accounts of the City at least once a year, by the State Department in charge of such work or by a certified public accountant. At any time, the Council may provide for an examination or audit of the accounts of any city officer or agency and it may provide for any survey or research study of any subject of municipal concern.

CHAPTER 3

Procedure of the Council

- Section 3.01 COUNCIL MEETINGS. The council shall meet regularly, at least once each month, at such times and places as the council may designate by rule. The mayor or any three members of the council may call special meetings of the council upon at least twelve hours notice to each member, or such longer notice as may be absolutely required by state law, and such reasonable public notice as may be prescribed by council rule in compliance with the laws of Minnesota. To the extent provided by law, all meetings of the council and its committees shall be public and any citizen shall have access to the minutes and records of the council at all reasonable times.
- Section 3.02 SECRETARY OF COUNCIL. The City Clerk shall act as secretary of the council. He/she shall keep a journal of council proceedings and perform such other duties as this charter or the council may require. The council may designate any other city official or employee except the mayor or a member of the council to act as secretary of the council, in the absence of the City Clerk.
- Section 3.03 RULES OF PROCEDURE AND QUORUM. The council shall determine its own rules and order of business. A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time. Any ordinance, resolution, motion or other procedure shall be adopted if passed by a majority of council members voting, except as otherwise provided by this charter.
- Section 3.04 ORDINANCES, RESOLUTIONS AND MOTIONS. Except as otherwise provided in this charter, all legislation shall be by ordinance. The votes of council, taken by roll call, on any action taken shall be recorded in accordance with statute.

- Section 3.05 PROCEDURE ON ORDINANCES. Every proposed ordinance shall be presented in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be, "The City of Springfield ordains." No ordinance except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least three days shall elapse between its introduction and final passage.
- Section 3.06 EMERGENCY ORDINANCES. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, safety, or welfare in which the emergency is defined and declared in a preamble and the ordinance is adopted by the affirmative vote of at least three members of the council.
- Section 3.07 PROCEDURE ON RESOLUTIONS. Every resolution shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent.
- Section 3.08 SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the council shall be signed by the mayor, attested by the City Clerk and filed and preserved by him/her. Every ordinance shall be published at least once in the official newspaper, or in lieu thereof a summary of such ordinance may be published when approved by the city council in conformity with state law. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute, state administrative rule or regulation of Minnesota, a code, or ordinance or part thereof without publishing the material referred to in full.
- Section 3.09 WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT. Every resolution and emergency ordinance shall take effect immediately upon its passage or at such date as it specifies. Every other ordinance shall take effect immediately upon publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption or at such later date as it specifies.
- Section 3.10 AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be omitted or added.
- Section 3.11 REVISION AND CODIFICATION OF ORDINANCES. The city may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be

published in book, pamphlet, or continuously revised loose-leaf form and copies shall be made available by the council at the office of the City Clerk for general distribution to the public free or for a reasonable charge. Publication in such a code shall be sufficient publication of any ordinance provision not previously published if a notice that copies of the Codification are available at the office of the City Clerk is published in the official newspaper for at least two successive weeks.

CHAPTER 4

Nominations and Elections

- Section 4.01 THE REGULAR MUNICIPAL ELECTION. A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even-numbered year commencing in 1988 at such place or places as the City Council may designate. The City Clerk shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but failure to give such notice shall not invalidate the election.
- Section 4.02 SPECIAL ELECTION. The council may by resolution order a special election and provide all means for holding it. The City Clerk shall give at least two weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections.
- Section 4.03 FILING FOR OFFICE. No earlier than 60 days or later than 45 days before the municipal election, any voter of the city qualified under the state constitution for elective office may, by filing an affidavit and paying a filing fee to the city administrator, have his/her name placed on the municipal election ballot.
- Section 4.04 PROCEDURE AT ELECTION. Subject to this charter and applicable laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this charter and supplementary ordinances, general state laws on election shall apply to municipal elections.

CHAPTER 5

Initiative and Referendum

- Section 5.01 GENERAL VOTER AUTHORITY. The voters of the city shall have the right, in accordance with this charter, to propose ordinances and to require ordinances to be submitted to a vote by processes known respectively as initiative and referendum.
- Section 5.02 PETITIONS. An initiative or referendum shall be initiated by a petition signed by registered voters of the city equal in number to 20 percent of those who voted for mayor in the last preceding city election. Each petition shall be sponsored by a committee of five voters whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it a statement required by Section 5.05 or 5.06, as the case may be. Each signer shall sign his/her name and give his/her street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is the genuine signature of the person whose name it purports to be. The person making the certification shall be a resident of the city. Any person whose name appears on a petition may withdraw his/her name by a statement in writing filed with the City Clerk before the City Clerk advises the council of the sufficiency of the petition.
- Section 5.03 DETERMINATION OF SUFFICIENCY. Immediately upon receipt of the petition, the City Clerk shall examine the petition as to its sufficiency and report to the council within twenty days. Upon receiving the report, the council shall determine by resolution the sufficiency of the petition.
- Section 5.04 DISPOSITION OF INSUFFICIENT PETITION. If the council determines that the petition is insufficient or irregular, the City Clerk shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have thirty days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the council finds that the petition is still insufficient or irregular, the City Clerk shall file the petition in his/her office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the council from referring the ordinance to the voters at the next regular or special election at its option.

Section 5.05 INITIATIVE. Any ordinance, except an ordinance relating to the budget or capital program, the appropriation of money, the levy of taxes, or the salaries of city officers or employees, may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the proposed ordinance. If the council passes the proposed ordinance with amendments and a majority of the sponsoring committee do not disapprove the amended form by a statement filed with the City Clerk within ten days of its passage by the council, the ordinance need not be submitted to the voters. If the council fails to enact the ordinance in an acceptable form within sixty days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot at the next election occurring in the city. If no election is to occur within 120 days after the filing of the petition, the council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the ordinance at such election vote in its favor, it shall become effective immediately after adoption unless the ordinance specifies a later effective date.

Section 5.06 REFERENDUM. Any ordinance subject to the initiative may be subjected to referendum by a petition which shall state, at the head of each page or on an attached paper, a description of the ordinance. Any ordinance upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance is not thereafter entirely repealed, it shall be placed on the ballot at the next election or at a special election called for that purpose, as the council determines. If a majority of the voters thereon at such election favor the ordinance, it shall go into effect immediately or on the date specified in the ordinance; if a majority of the electors voting thereon at such election vote against the ordinance, it shall be considered repealed upon certification of the election results. If a petition is filed against an emergency ordinance, the ordinance shall remain in effect until such election, but shall be repealed if a majority of the voters on the ordinance at such election vote against it.

CHAPTER 6

Administration of City Affairs

Section 6.01 PURCHASES AND CONTRACTS. All purchases on behalf of the city, except those permitted to be made by the Springfield Public Utilities Commission and those permitted by ordinance to be made by the Hospital Board, shall be made, and all contracts let, by

the city council. All contracts, bonds, and instruments of every kind to which the city shall be a party shall be signed by the mayor and city clerk on behalf of the city, and shall be executed in the name of the city.

- Section 6.02 COMPETITIVE BIDDING. In all cases of work to be done by contract and all purchases of personal property of any kind, where the amount involved is such as to require competitive bidding by State Law, the city council or its commission shall advertise for bids by one week published notice in the official newspaper or such other newspaper as determined by the council. Contracts shall be made in compliance with the uniform contracting law, and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. The council or its commission may, however, reject any and all bids. The council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

CHAPTER 7

Finances and Taxation

- Section 7.01 COUNCIL TO CONTROL FINANCES. The council shall have full authority over the financial affairs of the city. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies.
- Section 7.02 FISCAL YEAR. The fiscal year of the city shall be the calendar year.
- Section 7.03 SYSTEM OF TAXATION. Subject to the state constitution and except as forbidden by it or by state law, the council shall have full power to provide for a system of local taxation. This authority includes the power to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, or by State laws imposing restrictions upon the city irrespective of charter provisions.
- Section 7.04 SUBMISSION OF BUDGET. Annually the City Clerk shall submit to the council his/her recommended budget in accordance with a budget calendar to be established by the council. The budget shall provide a complete financial plan for all city funds and activities for the ensuing fiscal year and shall be in such form as the city council and mayor deem desirable or require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and

estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operations it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. For each utility operated by the city, a separate budget shall be prepared by the Superintendent of Utilities and be submitted to the Public Utilities Commission, which shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendices. For each medical facility operated by the City, a separate budget shall be prepared by the Hospital Board, as provided by ordinance. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by law and this charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by law.

Section 7.05

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 meeting 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 income, plus reserves accumulated in prior years. 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 purpose of expenditures as the council deems necessary for the purposes of budget control. The council shall also adopt a resolution levying the amount of taxes provided in the budget and the City Clerk shall certify the tax resolution to the county auditor in accordance with state 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 resolutions for the several purposes named.

Section 7.06

ENFORCEMENT OF THE BUDGET. The City Clerk shall enforce strictly the provisions of the budget. He/she shall not authorize any payment or the incurring of any obligation by the city unless an appropriation has been made in the budget resolution and there is sufficient unexpended balance left after deducting the total expenditures and encumbrances against the appropriation. No officer or employee of the city shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution. 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 in

excess of the amount authorized 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 by the city council.

- Section 7.07 ALTERATIONS IN THE BUDGET. After the budget resolution has been adopted, the council shall not increase the amounts fixed in the resolution beyond the estimated receipts except to the extent that actual receipts exceed the estimate, unless there exists sufficient reserves accumulated in prior years to fund such increase. 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.
- Section 7.08 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 interfund loans, except from trust and agency funds, as it may deem necessary and appropriate.
- Section 7.09 CITY INDEBTEDNESS. Except as provided in Section 7.10, 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.
- Section 7.10 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.

CHAPTER 8

Public Improvements and Special Assessments

- Section 8.01 POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS. The city may make any type of public improvement not forbidden by law and levy special assessments to pay all or part of the cost of such improvements as are of local character. The total assessments for any local improvement may not exceed the cost of the improvement, including costs and expenses connected therewith, with interest.
- Section 8.02 ASSESSMENTS FOR SERVICES. The council may provide by ordinance that the cost of city services to streets, sidewalks or other public or private property may be assessed against property benefited and collected in the same manner as special assessments.
- Section 8.03 LOCAL IMPROVEMENT PROCEDURE. When the city undertakes any local improvement to which the state local improvement code applies, it shall comply with the provisions of that law. The council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefore.

CHAPTER 9

Eminent Domain

- Section 9.01 ACQUISITION OF PROPERTY. The city may acquire, by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the city for any public purpose. In acquiring property by exercising the power of eminent domain, the city shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law.

CHAPTER 10

Franchises

- Section 10.01 FRANCHISES REQUIRED. Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semipermanent 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.
- Section 10.02 TERMS. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding fifteen years shall be effective until approved by a majority of the electors voting thereon.
- Section 10.03 PUBLIC HEARING. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged or changed by a public utility are fixed by the council, the council shall hold a public hearing on the matter, unless applicable federal or state laws prohibit the council from regulating such rates. Notice of such hearing shall be published at least once in the official newspaper not less than ten days prior to the date of the hearing.
- Section 10.04 POWER OF REGULATION RESERVED. Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.
- Section 10.05 RENEWALS OR EXTENSIONS. Every renewal or modification of a franchise, including an existing franchise, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11

Public Ownership and Operation of Utilities

- Section 11.01 ACQUISITION AND OPERATION OF UTILITIES. The city may own and operate any water, gas, light, power, heat, telephone, transportation or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental agencies. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed. The city shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the council. Such ordinance shall not be an emergency ordinance.
- Section 11.02 REGULATIONS AND RATES. The Springfield Public Utilities may fix rates, fares, and prices for any municipal utility, prescribe the time and manner of payment for such service, make such other regulations as may be necessary, and prescribe penalties for violation of such regulation. The Springfield Public Utilities must report to the city council before any rate increase, and no such rate increase shall be implemented unless approved by the City Council following publication of such rate increase in the official newspaper.
- Section 11.03 LEASE OF PLANT. The Springfield City Council may by ordinance contract with any person, firm, or corporation for the operation of any municipal utility for a term not to exceed 10 years. Such ordinance shall not be an emergency ordinance.
- Section 11.04 SALE OF PUBLIC UTILITY. No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance passed by the council and approved by a majority of the voters voting thereon at a general or special election. Any sale, lease or abandonment of water work systems wastewater collection systems, wastewater treatment facilities, steam heating system, electrical power plants, electrical distribution systems and other utilities as the city may own or acquire shall be subject, in addition, to the requirements of state law.

CHAPTER 12

General Provisions

- Section 12.01 OFFICIAL PUBLICATIONS. The council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.
- Section 12.02 OATH OF OFFICE. Every elected or appointed officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form; "I do solemnly swear (or affirm) to support the constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as...(title of office) of the City of Springfield to the best of my judgment and ability.
- Section 12.03 OFFICIAL BONDS. The City Clerk, the City Treasurer, and such other officers or employees of the City as may be specified by ordinance shall each, before entering upon the duties of his respective office or employment, give a corporate surety bond to the city as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as the council determines and be either individual or blanket bonds at the discretion of the council, and shall be filed with the City Clerk. The provisions of state laws relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.
- Section 12.04 OFFICIAL INTEREST IN CONTRACTS. Except as otherwise permitted by law, no officer of the city who is authorized to take part in any manner in any contract with the city shall voluntarily have a personal financial interest in or personally benefit from such contract.
- Section 12.05 SALE OF REAL PROPERTY. No real property of the city shall be disposed of except by ordinance. The net cash proceeds of any sale of the property shall be used to retire any outstanding indebtedness incurred by the city in the acquisition or improvement of the property. Any remaining net proceeds shall be used to finance other improvements in the capital improvement budget or to retire any other bonded indebtedness.
- Section 12.06 VACATION OF STREETS. The council may by ordinance approved by a four-fifths majority of all voting members of the council vacate any street or alley or other public grounds thereof within the

city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

- Section 12.07 CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY. The city shall succeed to all the property, rights, and privileges, and shall be subject to all legal obligations of the city under the former charter.
- Section 12.08 EXISTING ORDINANCES CONTINUED. All ordinances and regulations of the city in force when this charter takes effect and not inconsistent with this charter are continued in full force and effect until amended or repealed.
- Section 12.09 PENDING CONDEMNATION, IMPROVEMENTS AND ASSESSMENTS. Any condemnation, improvement, or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this charter takes effect shall be collected as if this charter had not been adopted.
- Section 12.10 ORDINANCE TO MAKE CHARTER EFFECTIVE. The council shall by ordinance, resolution or other appropriate action take such steps as may be necessary to make effective the provisions of this charter.
- Section 12.11 PRESENT OFFICERS CONTINUED. The present officers of the city shall continue in their respective offices and functions and shall continue to govern the city under the laws and charter previously in effect until the officers provided for by this charter have been elected and qualify. They shall make such financial and other provisions for the fiscal year 1988 as will serve to carry on the government until a government has been set up under this charter, and they shall make provision for the election of the first city council as provided in Chapter 4 of this charter.
- Section 12.12 DONATIONS. The city council may donate to and pay dues to such organizations and things that the municipality may be wholly or partly interested.
- Section 12.13 MUNICIPAL TRIPS. Municipal travel or trips on municipal business shall not cost the city more than the current state rate of travel.

Section 12.14 EFFECTIVE DATE. This charter becomes effective January 1, 1988. Upon the taking effect of this charter, the present city charter, adopted in 1950, and all subsequent amendments thereof, is and are hereby repealed.

CERTIFICATE OF CHARTER COMMISSION

We, the undersigned Charter Commission of the City of Springfield, Minnesota, do hereby submit the foregoing proposed amended charter for the City of Springfield, and do deliver the same to the City Council, to be submitted to the qualified voters of the city in the manner prescribed by law.

Dated at Springfield, Minnesota, this _____ day of August, 1987.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 14 1988
James Anderson Howe
Secretary of State

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O.D.