


STATE OF MINNESOTA
COUNTY OF HENNEPIN
CITY OF BLOOMINGTON

The undersigned duly qualified and acting City Clerk of the City of
Bloomington hereby certifies that attached hereto is a true and correct copy
of the original Ordinance No. 88-51, an ordinance to remove
gender specific references in the City Charter. Passed
and adopted July 25, 1988. The Council passed this
ordinance unanimously.

on file in the office of the City Clerk, City of Bloomington, Minnesota.


City Clerk
E. L. Woulfe, CMC

Dated this 20th day of October, 1988.

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38566

AN ORDINANCE TO REMOVE GENDER SPECIFIC REFERENCES IN THE CITY CHARTER

The City Council of the City of Bloomington hereby ordains:

Section 1. That the Bloomington City Charter is hereby amended to read as follows:

BLOOMINGTON CITY CHARTER

CHAPTER 2

FORM OF GOVERNMENT

SEC. 2.03. ELECTIVE OFFICERS.

Subdivision 1. Mayor and Council. The council shall be composed of the mayor, elected at large, two councilmembers elected at large, and four councilmembers, each of whom shall be elected from a separate district as established or amended pursuant to this charter. The mayor and councilmembers shall be qualified electors and residents of the city. The councilmembers elected from a district must be a resident of that district and [his] removal from that district shall cause a vacancy in the office of councilmember from that district. Except as hereinafter provided, each councilmember shall serve for a term of four years and until [his]a successor is elected and qualifies. The mayor shall serve for a term of two years and until [his]a successor is elected and qualifies. The council shall be judges of the elections for the mayor and the councilmembers. The elections for the mayor and councilmembers shall be held as provided in Subdivision 3 hereof.

SEC. 2.04. INCOMPATIBLE OFFICES.

No member of the council shall be appointed city manager, nor shall any member hold any other paid municipal office or employment under the city; and until one year after the expiration of [his]a term as mayor or [councilman]councilmember 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 by the council during [his]a term as [councilman]councilmember. Within this section, "under the City" shall include but not be limited to the Housing and Redevelopment Authority, the Bloomington Port Authority, and any other entity the members of which are appointed by, policy is established by, or which is financed by, the City.

SEC. 2.05. VACANCIES IN THE COUNCIL.

In addition to the other provisions of this chapter, a vacancy in the council 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]a qualification, or by reason of the failure of any [councilman] councilmember without good cause to perform any of the duties of membership in the council for a period of three months. In such cases the council shall, by resolution declare such vacancy to exist and shall, within three months thereafter, appoint an eligible person to fill such office until the next regular municipal election when the office shall be filled for the unexpired term. In the event the council fails to make such appointment within a three month period, or in the event the council votes three times on the appointment and fails to fill the vacancy, the mayor shall appoint an eligible person to fill the vacancy and a special election shall be held within six months thereafter to elect an eligible person for the unexpired term of office. If a regular municipal election is to be held within the six month period, then the vacancy for the unexpired term shall be filled at such regular municipal election.

SEC. 2.06. THE MAYOR.

The mayor shall be the presiding officer of the council, except that the council shall choose from its members an acting mayor who shall hold office at the pleasure of the council and shall serve as mayor during the disability or absence of the mayor from the city or in case of a vacancy in the office of mayor, until a successor has been appointed and qualifies. The mayor shall have a vote as a member of the council. [He]The mayor shall exercise all powers and perform all duties conferred and imposed upon [him]the mayor by the charter, the [ordin-ances]ordinances of the city, and the laws of the state. [He]The mayor shall be recognized as the official head of the city for all ceremonial purposes by the courts for the purpose of serving civil process, and by the governor for the purposes of martial laws. [He]The mayor shall study the operations of the city government and shall report to the council any neglect, dereliction of duty or waste on the part of any officer or department of the city. In time of public danger or emergency [he]the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law.

SEC. 2.09. INTERFERENCES WITH ADMINISTRATION.

The council or any of its members shall in no way dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent [him]the city manager from exercising [his own]personal judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the council and its members shall deal with and control the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders to any of the subordinances of the city manager, either publicly or privately.

CHAPTER 3

PROCEDURE OF COUNCIL

SEC. 3.01. COUNCIL MEETINGS.

On the first business day of January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. Thereafter the council shall meet at such times each month as may be prescribed by [~~ordi-nance~~]ordinance or resolution. 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 of the council and such notice shall be posted at the city hall for a like period. Such notice shall be delivered personally to each member or shall be left at [~~his~~]the member's 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. 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS.

Every ordinance or resolution passed by the council shall be signed by the mayor or by the acting mayor, attested by the secretary of the council and filed and preserved by [~~him~~]the secretary. Every ordinance and such resolutions as may be designated by the mayor or by two other members of the council shall be published at least once in the official newspaper. 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.

CHAPTER 5

INITIATIVE, REFERENDUM AND RECALL

SEC. 5.04. INITIATIVE OF MEASURES.

Any five electors may form themselves into a committee for the initiation of any ordinance, except as provided in Section 5.01. Before circulating any petition they shall submit to the city attorney a copy of the proposed ordinance and [~~he~~]the city attorney shall approve same or put it into a form which is legally sufficient for the purpose intended. Shall [~~he~~]the city attorney fail to take such action within ten days from the date on which the proposed ordinance is submitted to [~~him~~]the city attorney, such proposed ordinance shall be deemed legally sufficient and a verified copy thereof shall be filed with the city clerk, together with the names and addresses of the 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. 5.06. FILING OF PETITIONS AND ACTION THEREON.

All the signature papers shall be filed in the office of the city clerk as one instrument. Within five days after the filing of the petition, the city clerk shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least ten percent of the total number of electors who cast their votes at the last preceding regular municipal election. If [he]the city clerk finds the petition insufficient or irregular, [he]the city clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for [his]the 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 clerk shall file it in [his]the clerk's 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 electors at the next regular or any special election at its option.

SEC. 5.13. THE RECALL.

Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk 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]the 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. 5.15. 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 clerk. The city clerk shall examine the petition within the next five days, and if [he]the clerk finds it irregular in any way, or finds that the number of signers is less than 25 per cent of the total number of electors who cast their votes at the last preceding regular municipal election, [he]the clerk shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still insufficient or irregular, [he]the clerk shall notify all the members of the committee to that effect and shall file the petition in [his]the clerk's office. No further action shall be taken thereof.

SEC. 5.17. PROCEDURE AT RECALL ELECTION.

The clerk shall include with the published notice of the election the statement of the grounds for recall and also, in not more than 500 words, the answer of the officer concerned in justification of [his]the elected officer's 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. 5.18. FORM OF RECALL BALLOT.

Unless the officer whose removal is sought resigns within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall _____ be recalled?" the name of the officer whose recall is sought being inserted in the blank, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of _____ if recalled"; but the officer whose recall is sought shall not [himself] be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and the candidate who receives the highest number of votes for [his place]the office shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at the regular municipal election.

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

SEC. 6.01. THE CITY MANAGER.

The city manager shall be the chief administrative officer of the city. [He]The manager shall be chosen by the council solely on the basis of [his] training, experience, and administrative qualifications and need not be a resident of the city at the time of [his]the manager's appointment. The city manager shall be appointed for an indefinite period and may be removed by the council at any time; but after [he has served]serving as manager for one year, [he]the manager may demand written charges and a public hearing on the charges before the council prior to the date when [his] final removal takes effect. After such hearing, if one is demanded, the council shall have unlimited discretion, either to reinstate the manager or make [his]the removal final. Pending such hearing and removal, the council may suspend the manager from office. The council may designate some properly qualified person to perform the duties of the manager during [his] absence or disability or while the office of manager is vacant.

SEC. 6.02. POWERS AND DUTIES OF THE CITY MANAGER.

Subdivision 1. Subject to the provisions of this charter and any council regulations consistent therewith, the city manager shall control and direct the administration of the city's affairs. [He]The manager shall have the powers and duties set forth in the following subdivisions:

Subdivision 2. [He]The manager shall see that this charter and the laws, ordinances and resolutions of the city are enforced.

Subdivision 3. [He]The manager shall exercise control over all departments and divisions of the city administration created by this charter or by the council.

Subdivision 4. [He]The manager shall attend all meetings of the council, with the right to take part in the discussion but not to vote; but the council may in its discretion exclude [him]the manager from any meeting at which [his] the manager's removal is considered.

Subdivision 5. [He]The manager shall recommend to the council for adoption such measures as [he]the manager may deem necessary for the welfare of the people and the efficient administration of the city's affairs.

Subdivision 6. [He]The manager shall keep the council fully advised as to the financial condition and needs of the city, and [he]the manager shall prepare and submit to the council an annual budget.

Subdivision 7. [He]The manager shall prepare and submit to the council for adoption an [admin-istrative]administrative code incorporating the details of administrative procedure, and from time to time [he]the manager shall suggest amendments to such code.

Subdivision 8. [He]The manager shall perform such other duties as may be prescribed by this charter or by law or required of [him]the manager by ordinances or resolutions adopted by the council.

CHAPTER 7

TAXATION AND FINANCE

SEC. 7.05. PREPARATION OF THE ANNUAL BUDGET.

The manager shall prepare the estimates for the annual budget. The budget shall be by funds and at the discretion of the council may include or exclude any fund, except the general fund. The estimates of expenditures for each fund budgeted shall be by each department or division where necessary and classified in a manner consistent with generally accepted accounting procedures, with at least the following detail being shown:

(1) Ordinary operating expenses (for operation, maintenance, and repairs) subdivided into: (a) salaries and wages; (b) other expenses, with sufficient detail to be readily understood;

- (2) payment of principal and interest on bonds and other fixed charges;
- (3) capital outlays (for new construction, new equipment, and all improvements of a lasting character).

All increases and decreases in the expenditure budget shall be clearly shown by indicating the amounts granted and the amounts expended in the previous fiscal year and the amounts granted and the estimated amount to be expended for the current fiscal year. In addition thereto there should also be shown a statement of revenues which have accrued and the sources of such revenue for the last fiscal year and for the current and ensuing fiscal years, including estimates thereof. The estimates shall be submitted to the council at its first regular monthly meeting in September and shall be made public. The city manager may submit with the estimates such explanatory statement or statements as [he]the manager may deem necessary, and during the first three years of operation under this charter [he]the manager shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the previous government of the city as may be feasible and pertinent.

SEC. 7.07. ENFORCEMENT OF THE BUDGET.

It shall be the duty of the city manager to enforce strictly the provisions of the budget. [He]The manager shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure covered by the budget resolution unless there is a sufficient unexpended balance. 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 therein authorized shall be a personal obligation upon the person incurring the expenditure.

SEC. 7.08. ALTERATIONS IN THE BUDGET.

After the budget resolution has been adopted, the council shall have no power to increase the amounts fixed in the budget resolution by insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The council may, at any time, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution or by a vote of five members authorize the transfer of sums from unencumbered balances of appropriations in the budget necessary to other purposes, provided, however, the city manager may make transfers of sums within the major expense classifications in a department or division. However, [he]the manager may not transfer appropriations between major expense classifications within a department or division nor may [he]the manager transfer appropriations between departments or divisions without council approval.

CHAPTER 12

MISCELLANEOUS AND TRANSITORY PROVISIONS

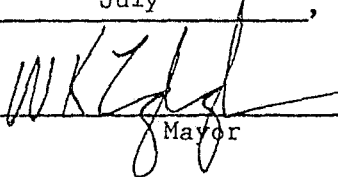
SEC. 12.02. OATHS OF OFFICE.

Every officer of the city shall, before entering upon the duties of [his] office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as (mayor, [councilman]councilmember), city manager, etc.) of the City of Bloomington to the best of my judgment and ability."

SEC.12.04. OFFICIAL BONDS.

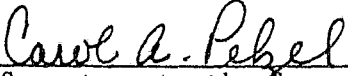
The city manager, the city clerk, the city treasurer and such other officers or employees of the city as may be provided for by ordinance shall each before entering upon the duties of [his]the respective office or employment, give a corporate surety bond to the city in such form and in such amount as 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 clerk. 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.

Passed and adopted this 25th day of July, 1988.



Mayor

ATTEST:



Secretary to the Council


APPROVED:

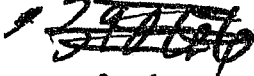


City Attorney

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 26 1988


Secretary of State


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