

City of Ortonville
315 Madison Avenue
Ortonville, Minnesota 56278
(612) 839-3428

July 18, 1989



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

Re: Home Rule Charter

Enclosed please find a Certificate of Adoption of Home Rule Charter and one (1) copy of the charter for the office of the Secretary of State's files.

Sincerely,

Maureen L. Laughlin
Maureen L. Laughlin
City Clerk
City of Ortonville

439333
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 24 1989

John Anderson
Secretary of State

CERTIFICATE OF ADOPTION OF HOME RULE CHARTER


State of Minnesota

County of Big Stone

I, Maureen L. Laughlin, clerk of the city of Ortonville, do hereby certify that the charter hereto attached and made a part of this certificate, is a true and correct copy of the charter returned and filed with the city by the duly appointed and qualified charter commission of such city.

I further certify that such charter was duly submitted to the voters of the city of Ortonville at a special election held in such city on July 6, 1989 and was duly adopted by a vote of 98 for the charter and 26 against the charter, the total vote cast in such city of Ortonville at such election being 124.

Witness my hand and the corporate seal of the city of Ortonville this 18th day of July, 1989.


Maureen L. Laughlin
City Clerk
City of Ortonville



CHARTER

City of Ortonville

315 Madison Avenue

Ortonville, Minnesota 56278

CHAPTER 1

NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

Section 1.01. Name and Boundaries. The City of Ortonville, Big Stone 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 clerk-administrator shall keep in the city office an official city map identifying the current boundaries of the City, and such map shall be available to the public during regular office hours. The existing boundaries shall be continued until changed as provided by law.

Sec. 1.02. Powers of the City. The City shall have all powers which may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution 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 thus mentioned. Unless granted to some other officer or body, all powers are vested in the city council.

CHAPTER 2

FORM OF GOVERNMENT

Sec. 2.01. Form of Government. The form of government established by this Charter is the "Weak Mayor - Strong Council Plan." Except as otherwise provided by law or this Charter, all powers of the City are vested in the council. The clerk-administrator shall be the head of the administrative branch of the city government and shall be responsible to the council for the proper ad-

ministration of all city affairs.

Sec. 2.02. Boards and Commissions. The council may establish boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions.

Sec. 2.03. Council Composition and Election. The council shall be composed of a mayor and six councilmembers who shall be qualified electors and who shall be elected at-large. Each councilmember shall serve for a term of four years and until his/her successor is elected and qualifies. The mayor shall serve for a term of four years and until a successor is elected and qualifies.

Sec. 2.04 Incompatible Offices. No member of the council shall be appointed clerk-administrator, 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 councilmember no former member 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/her term as mayor or councilmember.

Sec. 2.05. Vacancies. An elective or appointive 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 clerk-administrator, is convicted of a felony, ceases to reside in the City, or is adjudged incompetent by a court of competent jurisdiction or as provided in Sec. 2.06. Whenever a vacancy occurs in any of the elective or appointive offices specifically provided in this Charter, such vacancy shall be filled for the unexpired term of such official by resolution of the council and any vacancies occurring in any appointive office provided for by the Administrative Code may be filled in the manner provided in said Administra-

tive Code.

Sec. 2.06. Removal. The council shall have power by resolution to declare that a vacancy exists in any elective office by reason of the failure of such official without good cause to perform any of the duties of such office, provided that such resolution shall set forth the reasons for declaring a vacancy to exist in any elective office, and fix a time, place and hour when the council will meet for a public hearing thereon; provided, that such resolution shall be published at least once in the official newspaper of the City not less than ten days prior to the date of such hearing. The action of the council in declaring such vacancy or removing such officials, following the publication of the resolution and hearing, shall be final.

Sec. 2.07. The Mayor. The mayor shall preside at meetings of the council and shall have a vote as a member. The council shall, at its annual meeting, choose from its members a president pro tem 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 purposes of martial law, but he/she shall have no administrative duties.

Sec. 2.08. The Clerk-Administrator. The duties of the clerk-administrator of the municipality shall include the duties of the clerk. The clerk-administrator shall give the required notice of each regular and special election, record the proceedings thereof, notify officials of their elections or appointments to office, and certify to the county auditor all appointments and the results of all municipal elections. The city clerk-administrator may with the advice and consent of the council appoint a deputy city clerk to assist him/her and to perform duties of such office during the absence or

disability of the clerk-administrator. The clerk-administrator shall perform the duties imposed by law on city clerk-administrators and such other duties as may be provided in the Administrative Code.

Sec. 2.09. City Attorney. The council shall appoint the City Attorney by resolution, whose term shall expire on the fifteenth day of January following the next biennial election. He/she shall perform all duties imposed by law on City Attorneys, shall act as prosecuting attorney, and perform such other duties consistent with his/her office as the council shall impose, provided that the council shall have the right and power to employ special counsel for special matters or actions at law in which the City is interested.

Sec. 2.10. Salaries. The mayor and councilmembers shall receive such compensation as is fixed by the council in accordance with law. The city clerk-administrator and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

Sec. 2.11. Investigations 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 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 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

COUNCIL PROCEDURE

Sec. 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 annual meeting of the council shall be held on the first Monday after the first Tuesday in January of each year at 7:30 o'clock p.m. at which time any newly elected members of the council shall assume their duties. 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 and emergency meetings on less than twelve hours notice to each member 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.

Sec. 3.02. 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. The council may by rule provide a means by which a minority may compel the attendance of absent members.

Sec. 3.03. Ordinances, Resolutions, and Motions. Except as otherwise provided in this Charter, all legislation shall be by ordinance. The votes of council members on any action taken shall be recorded in accordance with statute. Except as otherwise provided by law or this Charter, an affirmative vote of a majority of all the members of the council shall be required for the adoption of all ordinances and resolutions.

Sec. 3.04. 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 Council of the City of Ortonville 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.

Sec. 3.05. Emergency Ordinance. 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 and the ordinance is adopted by a vote of at least four members of the council.

Sec. 3.06. 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-administrator, and filed and preserved by him/her. 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.

Sec. 3.07. When Ordinances and Resolutions Take Effect. Every resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as it specifies. Every other ordinance shall take effect 30 days after publication of the ordinance or the publication of the summary of the ordinance approved by the city council 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.

Sec. 3.08. 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, but failure to do so shall not prevent repeal of inconsistent provisions by later enactment. 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 amended and shall indicate by appropriate type or symbols matter to be omitted or added.

Sec. 3.09. 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-administrator for the general distribution to the public for a reasonable charge. Publication in such a code shall be a 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-administrator is published in the official newspaper for at least two successive weeks.

CHAPTER 4

NOMINATION AND ELECTIONS

Sec. 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 odd-numbered year commencing in 1989 at such place or places as the city council may designate. The city clerk-administrator 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.

Sec. 4.02. Special Election. The council may by resolution order a special election and provide all means for holding it. The clerk-administrator 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.

Sec. 4.03. Filing for Office. No earlier than

10 weeks or later than 8 weeks 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 of \$2.00 to the city clerk-administrator, have his/her name placed on the municipal primary ballot or, if there is no primary election, on the municipal election ballot.

Sec. 4.04. Council Positions. No later than the next regular council meeting after adoption of the Charter, the city council shall designate each council seat, whether occupied or not, by a separate letter of the alphabet and assign each incumbent to one of the seats. Each council seat so designated shall be a separate office for each subsequent city election. Any incumbent member of the council filing for re-election shall be a candidate only for that office of which he/she is the incumbent. Each person filing for the office of councilmember shall state in his/her affidavit of candidacy the designated council seat for which he/she is a candidate. Incumbency shall not be indicated on the ballot.

Sec. 4.05. Procedure at Elections. Subject to this Charter and applicable state 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 elections shall apply to municipal elections.

CHAPTER 5

REFERENDUM

Sec. 5.01. General Voter Authority. The voters of the City shall have the right, in accordance with this Charter, to require ordinances to be submitted to a vote by the process known as referendum.

Sec. 5.02. Petitions. A referendum shall be

initiated by a petition signed by registered voters of the City equal in number to 15 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. Each petition shall be substantially in the following form:

REFERENDUM PETITION

Proposing the repeal of an Ordinance entitled " _____ " (or part of an Ordinance entitled " _____ " which part reads as follows: " _____ .")
 A copy of said Ordinance is hereto attached.
 The proposed repeal is sponsored by the following committee of voters:

	<u>Name</u>	<u>Address</u>
1.		
2.		
3.		
4.		
5.		

The undersigned qualified voters of the City of Ortonville, understanding the nature of the measure hereto attached and believing it to be detrimental to the welfare of the City, petition the council for its repeal or submission to the voters for approval or rejection.

<u>Name of Voter</u>	<u>Address</u>
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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 certificate 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-administrator before the clerk-administrator advises the council of the sufficiency of the petition.

Sec. 5.03. Determination of Sufficiency. Im-

mediately upon receipt of the petition, the city clerk-administrator shall examine the petition as to its sufficiency and report to the council within 20 days. Upon receiving the report, the council shall determine by resolution the sufficiency of the petition.

Sec. 5.04. Disposition of Insufficient Petition. If the council determines that the petition is insufficient or irregular, the city clerk-administrator shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have 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 council finds that the petition is still insufficient or irregular, the city clerk-administrator 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.

Sec. 5.05. Suspension of Ordinance and Election. 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 voting thereon favors the ordinance, it shall go into effect immediately or on the date specified in the ordinance; if a majority of the electors voting thereon votes 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 but shall be repealed if a majority of the voters voting on the ordinance vote against it.

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

Sec. 6.01. The Clerk-Administrator. The clerk-administrator shall be the chief administrative officer of the City. He/she shall be chosen by the council solely on the basis of training, experience, executive and administrative qualifications. He/she need not be a resident of the City at the time of appointment but may reside outside the City while in office only with the approval of the council. The clerk-administrator shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of a majority of the council; but after he/she has served as clerk-administrator for one year, he/she may demand written charges and a public hearing on the charges before the council prior to the date when final removal takes effect. After the hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the clerk-administrator or make removal final. Pending the hearing and removal, the council may suspend the clerk-administrator from office. With the approval of the council, the clerk-administrator may designate some properly qualified person to perform the duties of the clerk-administrator during his/her absence or disability or while the office is vacant.

Sec. 6.02. Powers and Duties of the Clerk-Administrator.

Subdivision 1. The clerk-administrator shall be responsible to the council for the administration of the City's affairs. He/she shall have the powers and duties set forth in the following subdivisions:

Subd. 2. He/she shall see that this Charter and the laws, ordinances, and resolutions of the City are enforced, shall keep the public records, have custody and disburse the public funds and administer the City's affairs as the council may prescribe.

Subd. 3. He/she may be designated to act as secretary of the council and also as Treasurer.

Subd. 4. He/she shall direct and supervise all departments, offices, and agencies of the City, except as otherwise provided by law or charter.

Subd. 5. He/she shall attend all meetings of the council and may take part in discussion but not vote; but the council may, in its discretion, exclude him/her from any meeting at which his/her removal is considered.

Subd. 6. He/she shall recommend to the council for adoption such measures as he/she deems necessary for the welfare of the people and the efficient administration of the City's affairs.

Subd. 7. He/she shall keep the council fully advised on the financial condition and needs of the City, and he/she shall, along with the Budget and Levy Committee, prepare and submit to the council the annual budget and capital program.

Subd. 8. He/she shall submit to the council and make available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year.

Subd. 9. He/she shall perform such other duties as are prescribed by charter or may be required by the council.

Sec. 6.03. Administrative Organization. The city council shall at all times have an Administrative Code providing for a complete plan of administrative organization and management of the City government and creating in conformity with the express provisions of this Charter such departments, divisions, boards and funds as the City may deem advisable. Except as established by the provisions of this Charter, the city council may by ordinance adopted by five-sevenths vote of all councilmembers amend the Administrative Code or adopt a new Administrative Code, but no such change in the Administrative Code shall be made in such manner as to affect any rights of the City or the time and manner of payment of any obligations due to or by the City with respect to any funds established by the Administrative Code. No power or duty conferred by this Charter upon a particular office or agency shall be transferred to

any other.

Sec. 6.04. Subordinate Officers. There shall be a deputy city clerk and such other officers subordinate to the clerk-administrator as the council may establish by ordinance. The deputy city clerk shall be subject to the direction of the clerk-administrator. The council may by ordinance abolish offices which have been created by ordinance and it may combine the duties of various offices as it may see fit.

Sec. 6.05. Purchases and Contracts. The city clerk-administrator shall be the chief purchasing agent of the City. All City purchases and contracts shall be made or let by the city clerk-administrator when the amount involved does not exceed that amount as designated by ordinance. All other purchases shall be made and all other contracts let by the council after the recommendation of the clerk-administrator has first been obtained. 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. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the mayor and the clerk-administrator on behalf of the City and shall be executed in the name of the City. The council may by ordinance adopt further regulations for the making of bids and letting of contracts.

CHAPTER 7

TAXATION AND FINANCES

Sec. 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 disbursements of public monies.

Sec. 7.02. Fiscal Year. The fiscal year of the City shall be the calendar year.

Sec. 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 by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, by this Charter or by laws imposing restrictions upon the City irrespective of Charter provisions.

Sec. 7.04. Submission of Budget. Annually the clerk-administrator and the Budget & Levy Committee shall submit to the council their recommended budget in accordance with a budget calendar to be established by ordinance or, in the absence of ordinance, by September 1, or earlier if required by state statute. 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 be in such form as the clerk-administrator and Budget & Levy Committee deem 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 the year and the proposed method of financing each such expenditure. For each utility operated by the City, the budget 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. 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.

Sec. 7.05. Capital Improvement Program. The clerk-administrator and the Budget & Levy Committee shall prepare and submit to the council a recommended five-year capital improvement program no later than June 1 each year. 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 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 no later than August 15, or earlier if required by state statute.

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 income. 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 clerk-administrator shall certify the tax resolution to the county auditor in accordance with law not later than October 10 or such date as prescribed by state statute. 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.

Sec. 7.07. Alterations in the Budget. The city clerk-administer 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 past 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, timesheet 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 amounts fixed in the resolution beyond the estimated receipts except to the extent that actual receipts 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 this Charter, statute, ordinance, or resolution. Except as restricted by

this Charter, the council may, by ordinance or resolution, make inter-fund loans or transfers, except from trust and agency funds, as it may deem necessary and appropriate.

Sec. 7.10. City Indebtedness. Except as provided in this Charter, 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 this Charter or in accordance with 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. Debt Limitation. No bonds of the City shall be issued whereby its bonded indebtedness would be made to exceed four per cent (4%) of the market value of the taxable property in the City or the maximum allowed by law, whichever is greater, including monies and credits; provided that certificates of indebtedness or bonds issued before or after the adoption of this Charter shall not be included in or counted as a part of such bonded indebtedness, if (1) held in a sinking fund maintained by the City; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either or any other public convenience from which a revenue is or may be derived, owned and operated by the City, or the acquisition of property needed in connection therewith, or the construction of public drainage ditches or the acquisition of lands for, or for the improvement of streets, parks or other public improvements, to the extent that they are payable from the proceeds of assessments levied upon property specially benefited by such ditches or improvements, or (3) issued for the creation or maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the

collection of general taxes for the year in which they are issued. Bonds may be issued by ordinance adopted by five-sevenths vote of all councilmembers within the limits prescribed above and the City may issue certificates of indebtedness or bonds to any limit prescribed therein, without the approval of the voters, if such issue be for either of the last two mentioned purposes, or for the purpose of extending, enlarging or improving water and lighting and heat and power plants, or either, owned and operated by such City, or of acquiring property needed in connection therewith, or for the purpose of funding floating indebtedness incurred by the City before the adoption of the charter, or for any municipal purposes or improvements in respect to which the City is authorized by any special or general law to incur indebtedness or issue certificates of indebtedness or bonds at the time of the adoption of this Charter.

Sec. 7.12. 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. 7.13. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should from some unforeseen cause become insuf-

ficient 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 certificate shall state the nature of the emergency and be approved by at least five members of the council. It may be passed as an emergency ordinance.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Sec. 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 any part of the cost of such improvements as are of a local character. The total assessments for any local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. No assessment shall exceed the benefits to the property.

Sec. 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.

Sec. 8.03. Local Improvement Procedures. Local improvements may be initiated either by a petition submitted to the council by interested property owners for such improvement or by a

resolution passed by the council to investigate the necessity and feasibility of such local improvement. Before taking any further action, the council shall refer the matter to a competent engineer of its selection who shall report to the council with all convenient speed. Such report shall advise the council in a preliminary way as to whether the proposed improvement is feasible and as to whether it should best be made as set forth in the petition or resolution or in connection with some other improvement or improvements not included in the petition or resolution and the estimate of the cost of the improvement as recommended in the report. On the filing of such report with the clerk, the council shall by resolution fix a time, hour and place when the Engineer's Report will be considered and action taken thereon and direct the clerk to give notice of such hearing by publishing a notice once in each week for two successive weeks in the official newspaper of the City. The notice shall describe in general language the improvement or improvements recommended in the Engineer's Report and the estimated cost thereof, but it need not include a description of the properties liable to be assessed therefor or the names of their several owners. At the time fixed in the notice, or at some subsequent time or times to which the hearing may be adjourned, the council shall hear such persons as care to be heard in reference thereto. At the conclusion of the hearing the council shall determine by resolution whether the improvement or improvements as set forth in the Engineer's Report or any part thereof shall be made, which resolution shall describe the improvement or improvements to be made and the limits thereof in general language.

Sec. 8.04. Local Improvement Ordinance. As soon as possible after this Charter takes effect, the council shall prepare and adopt a complete local Improvement Ordinance, which may be amended from time to time as other ordinances, covering procedure for preparation of plans and specifications; awarding contracts; use of day

labor; preparation of assessments and share of cost which may be assessed to the City as a whole; hearings on and appeals from special assessments; supplemental assessment and reassessment; and all other matters appropriate to the subject of local improvement and assessments. After the passage of such ordinance, all resolutions pertaining to local improvements shall conform to the provisions of such local Improvement Ordinance. The council shall also have power to include as a part of such local Improvement Ordinance the method by which local improvement certificates or warrants may be issued to finance such work.

CHAPTER 9

EMINENT DOMAIN

Sec. 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

Sec. 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 clerk-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 electors 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 the 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

Sec. 11.01. Public Utility Department. The public water works; electric light and power system; sanitary sewer system; garbage and waste collection and disposal system; municipal health

services system, including the municipal hospital, municipal nursing home, and municipal medical clinic; municipal airport; municipal golf course, including the golf clubhouse and golf cart houses; municipal swimming pool; municipal liquor store; municipal library and any other public utility from which a revenue is or may be derived whether now or hereafter owned and operated by the City shall constitute one department of the City, known as the "Public Utility Department," and the city council shall have general management and control thereof with full power to do all things necessary for the proper operation, maintenance, improvement, acquisition, extension and repair of such public utilities.

Sec. 11.02. Regulations and Rates. Rates to be charged for all services, materials, labor or benefits furnished by any such public utility, including charges to be made for service or benefits furnished to the City as a whole or any of its departments; rules and regulations necessary to properly regulate furnishing such service and secure prompt payment of bills; the method by which the City may acquire and collect liens upon property for unpaid bills; such other rules and regulations as may be necessary and penalties for violation of any rules and regulations; and the manner and extent to which the City shall operate such public utilities and furnish service outside the corporate limits of the City shall be established or changed by resolution.

Sec. 11.03. Revenue Warrants. It shall be the duty of the council to see that rates are adequate to provide funds to properly operate and maintain and to pay interest and principal on any indebtedness which may be incurred for capital expenditures for the improvement, acquisition, extension and repair of such public utilities. To provide funds necessary for capital expenditures the council shall have power by resolution to authorize the issuance of Revenue Warrants which shall be payable solely from the net revenues of the Public

Utility Department and the City shall be expressly relieved by the terms thereof from any obligation to levy, collect, use or apply any taxes or monies received from taxation to the payment of either principal or interest on such Revenue Warrants except for the payment of service rendered to or benefits received by the City or any of its departments. Such resolution shall fix the maximum amount of Revenue Warrants thereby authorized; describe in general terms the nature of the capital expenditures for which they are to be issued; and may contain covenants determining what shall constitute net revenues of the Public Utility Department; whether all or part of the net revenues shall be pledged; and such other provisions as the council may deem necessary. Such Revenue Warrants shall bear interest at a rate not to exceed the maximum rate allowed by law, payable annually or semi-annually, and shall mature at such time or times, be in such form and be sold under such terms as the council may by resolution deem in the best interest of the City. The council shall have power by resolution to issue Refunding Revenue Warrants to refund outstanding Revenue Warrants whenever monies from the net revenues pledged are insufficient to meet any maturing Revenue Warrants or interest or at the optional or callable dates of such Revenue Warrants and each issue of Refunding Revenue Warrants shall constitute the same charge or lien on the net revenues of the Public Utility Department as do the warrants refunded.

Sec. 11.04. Lease of Public Utilities. The council may by resolution, lease to any person, firm or corporation upon terms deemed advantageous to the City, any of the utilities of the City except the public water works, electric light and power system, and the sanitary sewer system, for a term not to exceed ten (10) years and may renew such lease for additional periods not to exceed ten (10) years.

Sec. 11.05. Sale of Public Utility. No public

utility now or hereafter owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposed sale or other disposition are embodied in an ordinance passed by the council and approved by two-thirds of the voters voting thereon at a general or special election.

Sec. 11.06. Water and Light Reserve Fund. A separate fund, to be known as "Water & Light Reserve Fund," shall be maintained. It shall be the duty of the council to make provision for such fund in the Administrative Code in accordance with this section of the Charter. No transfer shall ever be made from the Water & Light Reserve Fund to any other fund whereby monies on hand in said fund shall be reduced below \$100,000, and no transfer shall ever be made from such fund to any other fund except by ordinance. The council shall have power to use any of the monies in the Water & Light Reserve Fund for the purpose of making repairs or improvements to the public waterworks and the electric light and power system or either of them; provided, however, that should the money on hand in said Water & Light Reserve Fund at any time aggregate less than \$100,000, it shall be the duty of the council to annually transfer 25% of the net earnings of the Public Utility Department to this fund until the monies on hand in said fund shall again be not less than \$100,000.

CHAPTER 12

GENERAL PROVISIONS

Sec. 12.01. Official Publication. 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.

Sec. 12.02. Oath of Office. Every elected or

appointed officer of the City shall, before entering upon the duties of his/her 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 Ortonville to the best of my judgment and ability."

Sec. 12.03. Official Bonds. The city clerk-administrator, 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/her respective office or employment, give a corporate surety bond to the City as security for the faithful performance of his/her duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as the council determines and may be either individual or blanket bonds in the discretion of the council. They shall be approved by the city council and filed with clerk-administrator. 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.

Sec. 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. Any city officer or employee who has a direct or indirect financial interest in (1) any contract with the City not prohibited by the foregoing provision or any law or (2) any other matter with the City, shall make known that interest and shall, except as permitted by MS471.88, refrain from voting upon or otherwise participating in his/her capacity as a city officer or employee in the making or performance of such contract or in taking official action on such matter. Any city officer or employee who willfully conceals such a financial interest or willfully vio-

lates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the express or implied knowledge of the person or corporation contracting with the City shall render the contract voidable by the city council or by a court of competent jurisdiction.

Sec. 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.

Sec. 12.06. Vacation of Streets. The council may by ordinance approved by at least five 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 procedures 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. 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.

Sec. 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.

Sec. 12.09. Pending Condemnations, 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.

Sec. 12.10. Ordinances 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.

Sec. 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 1990 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.

Sec. 12.12. This Charter becomes effective July 20, 1989.

LETTER OF TRANSMISSION

To The Honorable Sally Egert, Mayor of the City of Ortonville in the County of Big Stone, State of Minnesota, and the members of the City Council of said city:

The undersigned heretofore appointed by the Chief Judge of the Eighth Judicial District as charter commission for said City of Ortonville, do hereby report and recommend for submission to the voters of said city for adoption of the within city charter.

Duane E. Ninneman
Duane E. Ninneman, Chairman

Roger Anderson
Roger Anderson

David L. Dinnel
David L. Dinnel

Sally Egert
Sally Egert

Donald Geier
Donald Geier

Terrence D. Gere
Terrence D. Gere

John Jurgens, Jr.
John Jurgens, Jr.

Myrna Howen
Myrna Howen

Germain B. Kurz
Germain B. Kurz

Maurcen L. Laughlin
Maurcen L. Laughlin

Leonard Olson
Leonard Olson

Stanley Krensberger
Stanley Krensberger

David Schwarting
David Schwarting

Magdalene Sparrow
Magdalene Sparrow

Paul Taffe
Paul Taffe

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JUL 24 1989

Joan Anderson Howe
Secretary of State

