

CHARTER

of the

City of Albert Lea Minnesota



STATE OF MINNESOTA,
COUNTY OF FREEDOM, ss.

I hereby certify that I have compared the within
Instrument with the original Instrument now on file in my office, and that it is a true and
correct copy of the same, and of the whole thereof, and
that the above is a true copy of the filing thereof.

Dated MAY 14 1928 19.

[Signature]
City Clerk

Adopted by Special Election
May 10, 1927

3982

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of the
CITY OF ALBERT LEA
MINNESOTA

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Chapter I

NAME, BOUNDARIES, POWERS AND GENERAL
PROVISIONS

Section 1. Name and Boundaries. The city of Albert Lea, in the county of Freeborn, and state of Minnesota, shall, upon the taking effect of this charter, continue to be a municipal corporation, under the name and style of the city of Albert Lea, with the same boundaries as now are or hereafter may be established. The boundaries of the said City shall comprise all that territory within said County of Freeborn and State of Minnesota, described as follows, viz:

The North half of Section sixteen (16), the Northeast quarter and the East half of the Northwest quarter of section seventeen (17), the West half of section nine (9) and the Northeast quarter of section nine (9), save and excepting the following described tract, to-wit: Beginning on the quarter line three hundred one and one-tenth (301.1) feet east of the center of said section nine (9), running thence north 42 degrees, 57 minutes east, three hundred eighty-six and one-tenth (386.1) feet; thence north 89 degrees, 32 minutes east, one hundred and thirty-seven (137) feet; thence south 25 degrees, 32 minutes, east to an intersection with the east and west quarter line of said section nine (9); running thence west along said quarter line to the place of beginning; the North half and the Southeast quarter and the East half of the Southwest quarter of section eight (8), the Southwest quarter of the Southwest quarter of section five (5); also the following, to-wit: Commencing at a point on the section line between section five (5) and six (6), twenty (20) rods north

of the Northeast corner of the Southeast quarter of the Southeast quarter of section six (6) and running thence west twenty (20) rods; thence southeasterly to the Northwest corner of the South half of the Southwest quarter of the Southwest quarter of section five (5); thence east to the center of the upper Shell Rock River; thence northwesterly along the center of said River until it strikes the west line of said section five (5); thence along said section line to the place of beginning; all of Government lot three (3) in section sixteen (16), all of said territory being in township 102, range 21 west of the Fifth Principal Meridian, according to Government Survey.

Sec. 2. Powers of the City. The city of Albert Lea, by and in its corporate name, shall have perpetual succession; and save as herein otherwise provided and save as prohibited by the constitution or statutes of the state of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this charter; also all powers, functions, rights, and privileges now or hereafter given or granted to municipal corporations having "home rule charters" by the constitution and laws of the state of Minnesota; also all powers, functions, rights, and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights, privileges, and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey any and all such real, personal, or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable and for all other legitimate purposes.

Section 3. Construction of This Charter. The provisions of this charter shall be construed liberally in favor of the city, to the end that it may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state of Minnesota. The specific mention of particular municipal powers in other sections of this charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned.

Sec. 4. Charter a Public Act. This charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

Chapter II

FORM OF GOVERNMENT

Sec. 5. Form of Government. The form of government established by this charter shall be known as the "Council-Manager Plan." All discretionary powers of the city, both legislative and executive, shall vest in and be exercised by the city council, subject to the initiative, referendum, and recall powers of the people. It shall have complete control over the city administration, but shall exercise this control exclusively through the city manager and shall not itself attempt to perform any administrative work.

Sec. 6. Boards and Commissions. The council shall by ordinance create a board of health of three members in conformity with the requirements of Section 5348 of the General Statutes of Minnesota, 1923. There shall also be a sinking fund commission of three members which shall have the powers described in Section 66 of this charter. The members of the board of health and of the sinking fund commission shall be appointed by a majority vote of the council, and the council may, at its option, appoint two of its own members to each such board and commission. The council shall also have power by ordinance to create, and to appoint the members of such advisory boards and commissions as may be deemed necessary to advise and assist the council and the administrative officers of the city in matters relating to libraries, parks, city planning, and such other affairs as the council may determine. The number of members and the terms of office of the members of such advisory boards and commissions shall be determined in the ordinance creating the same. Such boards and commissions may be given the power to administer oaths, and to compel the attendance of witnesses, and the production of books, papers, and other documentary evidence; and the council may, in the ordinance creating any such board or commission, provide that such board or commission shall be given a reasonable period of time to report upon any project within the scope of its advisory powers prior to the council's taking any action thereon.

Sec. 7. Elective Officers. The council shall be composed of a mayor and six councilmen who shall be qualified electors, and who shall be elected in the manner hereinafter provided. The mayor shall be elected at large, and shall serve for a term of two years and until his successor is elected and qualified. The six councilmen shall be elected one from each ward, and shall serve for a term of four years and until their successors are elected and

qualified, except that at the first election held after the adoption of this charter, the three councilmen elected from the odd-numbered wards shall serve for four years and the three councilmen elected from the even numbered wards shall serve for two years. The council shall be judge of the election of the mayor and councilmen.

Sec. 8. Incompatible Offices. No member of the council shall be appointed city manager, nor shall any member hold any paid municipal office or employment under the city; and until one year after the expiration of his term as mayor or councilman no former member shall be appointed to any paid office or employment under the city which office or employment was created or the emoluments of which were increased during his term as councilman.

Sec. 9. Vacancies in Ward Representation in the Council. A vacancy in the council from any ward 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 ward, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case the council shall by resolution declare such vacancy to exist, and shall forthwith call a special election in such ward to fill the same for the unexpired term; provided, however, that if the vacancy occurs less than one year prior to the next regular municipal election, the council shall not call a special election, but shall forthwith appoint an eligible person resident in the ward to fill the vacancy until the next regular municipal election, when the vacancy shall be filled by election for the unexpired term, if any, or for the new term. Any vacancy in the representation of any ward in the council resulting from a recall election or from a resignation following the filing of a recall petition, shall be filled in the manner provided in such case.

Sec. 10. The Mayor. The mayor shall be the presiding officer of the council, except that a president pro tempore shall be chosen who shall serve as president in the mayor's absence, and as acting mayor in case of the mayor's disability or absence from the city. The mayor shall be the chief executive officer of the city, and shall exercise all powers and perform all duties conferred and imposed upon him by this charter, the ordinances of the city, and the laws of the state. He shall be recognized as the

official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law. He 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 may, with the consent of the council, take command of the police, maintain order, and enforce the law. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall appoint a mayor to fill the vacancy for the unexpired term, but in the case of a recall the vacancy shall be filled in the manner provided by this charter.

Sec. 11. Salaries. The members of the council shall serve without compensation, except the mayor who shall receive a salary not to exceed \$300.00 each year, and except that when meeting as a board of equalization they shall each receive not to exceed one dollar per hour of actual service. The city manager and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

Sec. 12. Investigations of City Affairs. The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government.

Sec. 13. Interferences with Administration. Neither the council nor any of its members shall 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 from exercising his own 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 subordinates of the city manager, either publicly or privately.

Chapter III

PROCEDURE OF COUNCIL

Sec. 14. Council Meetings. On the first Monday after the first Tuesday in January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. The mayor, or any three members of the council, may call special meetings of the council upon at least two (2) hours' notice to each member of the council. Such notice shall be delivered personally to each member or shall be left with some responsible person at the member's usual place of residence. 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. 15. Secretary of Council. The council shall choose a secretary and such other officers and employees as may be necessary to serve at its meetings. The secretary shall be known as the secretary of the council, and shall keep such records and perform such other duties as may be required by this charter or by vote of the council. The council may designate any official or employee of the city, except the city manager or a member of the council, to act as secretary of the council.

Sec. 16. Rules of Procedure and Quorum. The council shall determine its own rules and order of business, and shall keep a journal of its proceedings. A majority of all members elected shall constitute a quorum to do business, but a less number may adjourn from time to time. The council shall provide by ordinance or resolution a means by which a minority may compel the attendance of absent members.

Sec. 17. Ordinances, Resolutions, and Motions. Except as in this charter otherwise provided, all legislation and all appropriations of money shall be by ordinance, save that where an obligation has been incurred by ordinance, payment thereof may be ordered by resolution if the amount exceeds five hundred dollars or by ordinary motion if the amount involved is less than that sum, and save also that licenses may be granted, property acquired for public uses, and local improvements ordered, by resolution. Every final vote upon all ordinances, resolutions, and motions, and upon all amendments thereto, shall be by ayes and noes, and the vote of each member shall be recorded in the minutes. The

votes of at least four members shall be required for the passage of all ordinances, resolutions, and motions, except as otherwise provided in this charter.

Sec. 18. Procedure on Ordinances. The enacting clause of all ordinances passed by the council shall be in the words, "The City of Albert Lea does ordain." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances, shall have two public readings in full, and at least three days shall elapse between the first and second readings thereof. Every ordinance appropriating money in excess of five hundred dollars, and every ordinance and resolution authorizing the making of any contract involving a liability on the part of the city in excess of five hundred dollars, shall remain on file in the office of the secretary of the council at least one week, and shall be published at least once in the official newspaper of the city or posted on official bulletin boards in the manner provided by this charter, before its final passage, except in the case of emergency ordinances or resolutions.

Sec. 19. Emergency Ordinances and Resolutions. An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health, or safety, in which the emergency is defined or declared in a preamble thereto, separately voted upon, and agreed to by at least five members of the council, as recorded by ayes and noes. An emergency ordinance or resolution must be in writing but may be enacted without previous filing or publication. No grant of any franchise shall be construed to be an emergency ordinance or resolution.

Sec. 20. Procedure on Resolutions. Every resolution shall be presented in writing, and shall be read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

Sec. 21. Signing and Publication of Ordinances and Resolutions. Every ordinance or resolution passed by the council shall be signed by the mayor or by two other members, and shall be filed with the secretary of the council within two days after passage, and by him recorded and preserved. Every ordinance and resolution shall be published at least once in the official paper of the city within fifteen days after its passage by the council, or in lieu thereof may be posted on bulletin boards as in this charter provided, and shall be recorded in a book kept for that purpose, which record shall be attested by the secretary of the council; provided that the publication of resolutions not involving the ex-

penditure of money may be dispensed with if so ordered by the council.

Sec. 22. When Ordinances and Resolutions Take Effect. Emergency ordinances and resolutions, and ordinances and resolutions making the annual tax levy, determining the annual budget, and providing for local improvements and assessments, shall take effect immediately upon their passage. All other ordinances and resolutions enacted by the council shall take effect thirty days after the date of their passage, unless a later date is fixed therein, in which event they shall take effect at such later date. Ordinances and resolutions adopted by the electors of the city shall take effect at the time fixed therein, or, if no such time is designated therein, then immediately upon the adoption thereof.

Sec. 23. Amendment and Repeal of Ordinances and Resolutions. No ordinance or resolution or section thereof shall be amended or repealed by reference to its title alone, but such amending or repealing ordinance or resolution shall contain verbatim the ordinance or resolution or section thereof to be amended or repealed, together with the amended form thereof in case of amendment, and the original ordinance, resolution, section or sections thereof so amended shall be repealed.

Chapter IV

NOMINATIONS AND ELECTIONS

Sec. 24. The Regular Municipal Election. A regular municipal election shall be held on the first Tuesday after the first Monday in November in the year 1928, and bi-ennially thereafter at such place or places as the city council may designate. Each ward shall constitute at least one election district, and additional election districts may be established, and the boundaries thereof subsequently changed in the manner provided by law. At least fifteen days previous notice shall be given by the city clerk of the time and the places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one public place in each election district, or by publishing a notice thereof at least once in the official newspaper of the city or both, as the council may ordain, but failure to give such notice shall not invalidate such election. At the regular election there shall be elected, in addition to the officers of the city, such justices of the peace or municipal judges as may be provided by law.

Sec. 25. Special Elections. The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

Sec. 26. Judges and Clerks of Election. The council shall at least ten days before each municipal election appoint three qualified voters of each election district to be judges of election therein. The judges of each election district shall appoint two qualified electors of the same district, or as many more as may be authorized by the council, to serve as clerks of election.

Sec. 27. Nominations by Petition. The mode of nomination of all elective officers provided for by this charter shall be by petition. The name of any elector of the city shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the city clerk. Such petition shall be signed by a number of electors qualified to vote for the office in question, and equivalent to at least five per cent of the total number of votes cast at the last regular municipal election for the said office. No elector shall sign petitions for more candidates than the number of places to be filled at the election, and should he do so his signature shall be void as to the petition or petitions last filed. All nomination petitions shall be in the hands

of the city clerk at least ten days before the election. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Sec. 28. Nomination Petitions. The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

Nomination Petition

We, the undersigned, electors of the city of Albert Lea, hereby nominate _____, whose residence is _____, for the office of mayor (or councilman from the _____ ward), to be voted for at the election to be held on the _____ day of _____, 19____; and we individually certify that we are qualified electors (of such ward, in case of a petition for a candidate for councilman) and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name	Street and Number
_____	_____
_____	_____

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

Signed _____

Subscribed and sworn to before me this _____ day of _____, 19____. This petition, if found insufficient by the city clerk, shall be returned to _____, at No. _____, _____ Street.

Sec. 29. Canvass of Elections. The council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots

cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election.

Sec. 30. Procedure at Elections. The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter and of the general laws of Minnesota. In determining the results of municipal elections, as well as in all matters of election procedure not covered by this charter or by ordinance, all officers shall be guided by the rules laid down in the General Statutes for the conduct of elections in this state, except that where such rules are incompatible with the provisions of this charter, they shall not be enforced in the election of municipal officers.

Chapter V

INITIATIVE, REFERENDUM, AND RECALL

Sec. 31. Powers Reserved by the People. The people of Albert Lea reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt ordinances and resolutions, to require measures passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

Sec. 32. Expenditures by Petitioners. No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent any such committee from incurring an expense not to exceed twenty dollars for legal advice, stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

Sec. 33. Further Regulations. The council shall as soon as possible after the organization of the city government under this charter provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this charter, as may be deemed necessary. Such ordinance shall include the relevant provisions of this charter.

Initiative

Sec. 34. Initiation of Measures. Any five electors may form themselves into a committee for the initiation of any measure of public concern. After formulating their measure they shall file a verified copy thereof with the city clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Sec. 35. Form of Petition and of Signature Papers. The petition for the adoption of any measure shall consist of the measure, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten per cent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the

circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Initiative Petition

proposing an ordinance (or resolution, as the case may be) to _____ (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. This measure is sponsored by the following committee of electors:

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

The undersigned electors, understanding the terms, and the nature of the measure hereto attached, petition the council for its adoption, or, in lieu thereof, for its submission to the electors for their approval.

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

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

Sec. 36. 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 per cent of the total number of electors who cast their votes at the last preceding regular municipal election. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 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 petition is found to be still insufficient or irregular the clerk shall file the same in his office and shall notify each member of the committee of that fact. The final finding of

the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the measure to the electors at the next regular or any special election, at its option.

Sec. 37. Action of Council on Petition. Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners, and the percentage of the total number of voters which they constitute, and the council shall at once read the measure and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the council not later than sixty-five days after the date upon which such measure was submitted to the council by the city clerk. If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted by the council to the vote of the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least fifteen per cent of the total number of voters voting at the last regular municipal election, then the council shall call a special election upon the measure to be held not less than thirty nor more than forty-five days from such date, unless a regular election is to occur within three months, in which case it may be submitted at such regular municipal election. In case the council passes the proposed measure with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the measure need not be submitted to the electors.

Sec. 38. Initiative Ballots. The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "For the measure" or "Against the measure." If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the city as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately.

Sec. 39. Initiation of Charter Amendments. Nothing in this charter contained shall be construed as in any way affecting the

right of the electors under the constitution and statutes of Minnesota to propose amendments to this charter.

Referendum

Sec. 40. The Referendum. If prior to the date when an ordinance or resolution takes effect a petition signed by qualified electors of the city equal in number to fifteen per cent of the total vote at the last regular municipal election be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said measure shall thereby be prevented from going into operation. The council shall thereupon reconsider the said measure at its next regular meeting, and either repeal the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the measure as passed. In the latter case the council shall immediately order an election to be held thereon, pending which the ordinance or resolution shall remain suspended. If a majority of the voters voting thereon are opposed to the measure, it shall not become effective; otherwise it shall go into effect immediately or on the date therein specified.

Sec. 41. Referendum Petitions. The requirements laid down in sections 34 and 35 above as to the formation of committees for the initiation of measures and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

Referendum Petition

proposing the repeal of an ordinance (or resolution, as the case may be) to (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. The proposed repeal is sponsored by the following committee of electors:

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

The undersigned petitioners, 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 submission to a vote of the electors for their approval or disapproval.

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

Sec. 42. Referendum Ballots. The ballots used in any referendum election shall conform as nearly as possible to the rules laid down in Section 38 of this charter for initiative ballots.

Recall

Sec. 43. 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, and any five electors of any ward may form themselves into a committee for the purpose of bringing about the recall of any elected officer of that ward. 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 two hundred and fifty words and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Sec. 44. Recall Petitions. The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Recall Petition

proposing the recall of _____ from his office as _____, which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

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

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

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

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

Sec. 45. Filing of Petition. Within thirty 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 same within the next five days, and if he finds it irregular in any way, or finds that the number of signers is less than twenty-five per cent of the total number of electors of the city or ward, as the case may be, who cast their votes at the last preceding regular municipal election for all candidates for the office in question, 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 finds the petition still insufficient or irregular he shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

Sec. 46. Recall Election. If the petition or amended 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, by motion, provide for the holding of a special recall election throughout the city or in the ward in question, not less than thirty nor more than forty-five days thereafter, provided that if any other municipal 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.

Sec. 47. Procedure at Recall Election. In the published call for the election, whether posted on bulletin boards or printed in the official paper, 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. 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. 48. Form of Recall Ballot. Unless the officer whose removal is sought shall have resigned 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 A _____ be recalled from the office of _____?" the name of the officer whose recall is sought being inserted in place of A, 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 A, if recalled." But the officer whose recall is sought shall not himself be a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he shall be thereby removed from office, and in that event, the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned 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 may be, as the form in use at a regular municipal election.

Chapter VI

ADMINISTRATION OF CITY AFFAIRS

Sec. 49. The City Manager. The city manager shall be the chief administrative officer of the city. He shall be chosen by the council solely on the basis of his training, experience, and administrative qualifications. The choice shall not be limited to inhabitants of the city or state, but the person chosen shall be a citizen of the United States. The city manager shall be appointed for an indefinite period, and he shall be removable by the council at any time. If removed at any time after one year of service he may demand written charges and a public hearing on the same before the council prior to the date on which his final removal shall take effect, but pending and during such hearing the council may suspend him from office. During the suspension, absence, or disability of the city manager the duties of his office shall be performed by some properly qualified person designated by the council.

Sec. 50. Powers and Duties of the City Manager. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by the council, the city manager shall control and direct the administration of the city's affairs. His powers and duties as city manager shall be:

(a) To see that this charter and the laws, ordinances, and resolutions of the city are enforced;

(b) To appoint and, except as herein provided, remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone;

(c) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council;

(d) To attend all meetings of the council, with the right to take part in the discussions but having no vote; but the council may at its discretion exclude him from meetings at which his removal is considered;

(e) To recommend to the council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs;

(f) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;

(g) To prepare and to submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time suggest amendments to the same; and

(h) To perform such other duties as may be prescribed by this charter or required of him by ordinance or resolutions adopted by the council.

Sec. 51. Departments of Administration. The council may create such departments, 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 the same. It shall, in conjunction with the city manager, prepare a complete administrative code for the city and enact the same in the form of an ordinance, which may be amended from time to time by ordinance.

Sec. 52. Subordinate Officers. There shall be a city clerk and such other officers subordinate to the city manager as the council may create by ordinance. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the city's affairs as shall be ordained by the council. He may be designated to act as secretary of the council, and also as treasurer. The council may by ordinance abolish offices and employments which have been created by ordinance, and, subject to the provisions of this charter, it may combine the duties of various offices as it may see fit.

Sec. 53. Purchases and Contracts. The city manager shall be the chief purchasing agent of the city. All purchases on behalf of the city shall be made, and all contracts let by the city manager subject to the approval of the council. Such approval must be given in advance, whenever the amount of such purchase or contract exceeds five hundred dollars. All contracts, bonds, and instruments of every kind to which the city shall be a party shall be signed by the mayor on behalf of the city as well as by the city manager, and shall be executed in the name of the city.

Sec. 54. Contracts. How Let. In all cases of work to be done by contract, or of the purchase of personal property of any kind, where the amount involved is more than five hundred dollars, unless the council shall by an emergency ordinance otherwise provide, the city manager shall advertise for bids in such manner as may be designated by the council. Contracts of this magnitude

shall be let only by the council upon the recommendation of the city manager, and shall be let to the lowest responsible bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by five-sevenths vote for the doing of work with patented processes, or from the purchasing of patented appliances by the same majority. Further regulations for the making of bids and the letting of contracts shall be made by ordinance, subject to the provisions of this charter.

Chapter VII

TAXATION AND FINANCE

Sec. 55. Council to Control Finances. The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Sec. 56. Fiscal Year. The fiscal year of the city shall end each year on the thirty-first day of December.

Sec. 57. System of Taxation. Subject to the state constitution, and except as forbidden by it or by state legislation, the council shall have full power to provide by ordinance for a system of local taxation and to change the same from time to time. In so far as the city procures a revenue from taxes upon real and personal property as such, it shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

Sec. 58. Board of Equalization. The council shall constitute a board of equalization and shall meet such in the usual place for holding council meetings on the last Monday in June to equalize the assessments according to law.

Sec. 59. Preparation of the Annual Budget. The city manager shall prepare the estimates for the annual budget. The estimates of expenditures shall be arranged for each department or division of the city under the following heads: (1) ordinary expenses (for operation, maintenance, and repairs); and (2) capital outlays (for new construction, new equipment, and all improvements of a lasting character). Ordinary expenses shall be subdivided into: (a) salaries, with a list of all salaried offices and positions, with the salary allowance and the number of persons holding each; (b) wages; (c) printing, advertising, telephone, telegraph, express charges, and other like items; (d) supplies and repairs, with sufficient detail to be readily understood. All increases and decreases shall be clearly shown. In parallel columns shall be shown the amounts granted and the amounts expended under similar heads for the past two completed fiscal years and, as far as possible, for the current year. In addition to the estimates of expenditures, the estimates shall include a statement of the revenues which have accrued for the past two

completed fiscal years, with the amounts collected and the uncollected balances, together with the same information, as far as possible, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items: sums derived from (a) taxation, (b) fees, (c) fines, (d) interests, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) operation of public utilities, (h) special assessments, and (i) sales of bonds and other obligation. Such estimates shall be printed or typewritten, and there shall be at least twelve copies, one for each member of the council, one for the city manager, one for the city clerk, and three at least to be posted in public places in the city. The estimates shall be submitted to the council at its regular monthly meeting in August, and shall be made public. The city manager may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years under this charter he 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. 60. Passage of the Budget. The budget shall be the principal item of business at the regular monthly meeting of the council in August, and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full, and the city manager shall explain the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete financial project of the city for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in section 59. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget resolution not later than the first day in October.

Sec. 61. Enforcement of the Budget. It shall be the duty of the city manager to enforce strictly the provisions of the budget. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is a sufficient unexpended balance left after deducting the total past

expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the city shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Sec. 62. Alterations in the Budget. After the budget shall have been duly adopted, the council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein and no other. The council may at any time, by a resolution passed by a five-sevenths vote, reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes.

Sec. 63. Levy and Collection of Taxes. On or before the first of October each year the council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The city clerk shall transmit to the county auditor annually, not later than the tenth of October, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purposes for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Sec. 64. Tax Settlement With County Treasurer. The city treasurer shall see to it that all moneys in the county treasury belonging to the city are promptly turned over to the city according to law.

Sec. 65. Disbursements. How Made. All disbursements shall be made only upon the order of the mayor and city manager, duly authorized by a resolution of the council, and every such resolution and order shall specify the purpose for which the disbursement is made, and indicate that it is to be paid out of the proper fund. Each such order shall be directed to the treasurer, and the latter shall issue a check payable to the order of the

person in whose favor the order was drawn. The treasurer shall issue no check upon any city funds except upon such order. But no such order or check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same together with all then outstanding encumbrances upon such fund. Any order or resolution for the payment of money violating any provision of this section shall be void, and any officer of the city violating any provision of this section shall be personally responsible for the amount of such payment, if any such payment is made contrary to the provisions hereof. No contract requiring the payment of money by the city shall be valid unless the particular fund out of which the same is to be paid is specified in such contract. No claim against the city shall be allowed unless accompanied by an itemized bill and voucher, payroll, or time sheet signed by the responsible officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The council may by ordinance make further regulations for the safekeeping and disbursement of the city's funds.

Sec. 66. Funds to Be Kept. There shall be maintained in the city treasury the following funds for the support of which the council may levy taxes:

(a) A sinking fund for the purchase, or payment when due, of any bonds or any debt of the city and to pay the interest on all bonds and other obligations of the city. The council shall levy an annual tax sufficient to meet all obligations against this fund when due, unless otherwise provided for. By and with the consent of the council the Sinking Fund Commission shall invest the sinking fund in bonds or certificates of the United States, bonds or certificates of this state, or bonds of any other state of the United States, bonds of any city in the state of Minnesota, in such county or school bonds of Minnesota as may be approved by the council, or in such other bonds as are permitted for the investment of the permanent school fund of the state of Minnesota. In case the sinking fund be invested in bonds of the city such bonds shall not be cancelled but shall be held by the Sinking Fund Commission and the interest thereon paid over and applied to the increase of the sinking fund. Whenever the principal of any of the bonds of the city shall become due the Sinking Fund Commission shall, with the consent of the council, dispose of such of the bonds belonging to the sinking fund as, with the money on hand belonging to the sinking fund, shall be necessary to pay the bonds so becoming due.

(b) An interest fund for which there shall be levied a sum sufficient for the payment of the interest to become due during the next fiscal year upon bonds and debts of the city, and out of this fund such interest only shall be paid.

(c) A sinking fund for the purchase, or payment when due, of any bonds or any other funded debt of the city.

(d) A public utility fund or funds for the acquisition, construction, extension, maintenance, and operation of any public utility owned or operated by the city, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any utility, and from the operation of such utility, and from the sale of any property acquired for, or used in connection with, any such utility. There shall be paid out of this fund the cost of the purchase, construction, extension, operation, maintenance, and repair of such utility, including the interest upon all bonds or other indebtedness which may be a lien upon such utility. Any surplus in said fund may be used for the purchase of any bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity. Separate funds and accounts shall be kept for each such utility operated separately, and in case two or more utilities are operated together the funds and accounts shall be kept separate as far as practicable.

(e) A general fund for the support of such other funds and for the payment of such expenses of the city as the council may deem proper. Into this fund shall be paid all moneys not herein provided to be paid into any other fund.

(f) A permanent improvement revolving fund, which shall not be supported by general taxation. There shall be paid into this fund moneys received from special assessments levied for local improvements. The council may by resolution determine the aggregate amount of the assessments for local improvements which, in its judgment, shall be extended for payment, as is provided in chapter 8 of this charter. The council may order the issuance and sale of bonds representing such aggregate sum, which shall entitle the holder thereof to demand and receive from the city of Albert Lea upon the surrender of such bonds to the treasurer on or after the date of payment thereof, the amount of money named therein to be paid, with the rate of interest stipulated to be paid thereon to the due date thereof and not after such date. Such bonds may be issued in such amounts and be-

come due on such dates as the council may determine, subject to the provisions of section 70. The proceeds of the sale of said bonds shall be paid in to the permanent improvement revolving fund. The council may, in its discretion, either sell said bonds direct to investors, or may contract for the sale of all such bonds as may be issued during any calendar year. No sale of such bonds, by contract, shall be made except after advertising for bids, at least one week prior to sale and such sales shall be made to the highest responsible bidder. Bids may be asked on the basis of a rate of interest specified in the proposals and on the net interest basis on which the bidder will pay par for the same.

Sec. 67. Receipts to Go to City Treasurer. All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the county treasurer, shall be paid in to the city treasurer by the person authorized to receive the same at the close of each business day. All such moneys, and also all moneys received upon tax settlements from the county treasurer, shall be deposited as soon as received in a bank or banks approved by the city council. Any person in the employ of the city guilty of a violation of this provision shall be liable to be reduced in rank and salary or to be dismissed from his office or position, as the council may determine after a hearing.

Sec. 68. Accounts and Reports. The city manager shall be the chief accounting officer of the city and of every branch thereof, and the council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this charter, and the ordinances in accord with it. He shall submit to the council a statement each month showing the amount of money in the custody of the city treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require. Once each year, on or before the last day of January, the city manager shall submit a report to the council covering the entire financial operations of the city for the past year. This report shall show the actual total receipts and actual total expenditures, omitting duplications, and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance, and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the city, when due, the amount of new bonds issued and the amount redeemed, the interest rate of each; the condition of all the annual budget allow-

ances; and an inventory of all the property owned by the city; and such further information as the council may request, and as the council and other city officials and the taxpayers should have.

Sec. 69. Bonded Debt and Debt Limit. In addition to all the powers in respect to borrowing, and with reference to the issuance of bonds and certificates of indebtedness specifically or impliedly granted by this charter, and any amendments thereto, the city of Albert Lea shall have all the powers in reference to these subject matters authorized for cities of the same class by Chapter 10 of the General Statutes of Minnesota of 1923 and the acts of the legislature amendatory thereof and supplementary thereto. The city shall also have the power, any provisions of this charter to the contrary notwithstanding, to issue and sell its bonds to the state of Minnesota, and to comply with all provisions of law relative to loans to municipalities from the permanent state funds.

No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues to cover current expenses; but bonds may be issued by a five-sevenths vote of the council, subject to the referendum powers of the people, as defined in Sections 31 to 33, and Sections 40 to 42, both inclusive, of this charter, for the purchase of real estate, for new construction, for new equipment, and for all improvements of a lasting character, including public utilities. The total bonded debt of the city shall never exceed ten per cent of the last assessed valuation of the taxable property therein, including moneys and credits; but in computing the total bonded debt, certificates of indebtedness or bonds issued before or after the adoption of this charter shall not be included or counted if (1) held in a sinking fund maintained by such 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 such city, or the acquisition of property needed in connection therewith, or for 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 especially 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 issued.

Sec. 70. Form and Repayment of Bonds. All bonds issued by the city shall be in regular numbered series. As nearly as practicable, an equal amount of each series shall fall due each year. No bonds shall be issued to run for a longer term than the reasonable life expectancy of the property or improvement for which the bonds are authorized, as ascertained and set forth in the ordinance authorizing such bonds, and in no case shall bonds be issued to run for more than thirty years. The purposes for which bonds are authorized shall be set forth in the ordinance authorizing them, and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the city manager to include in his estimates each year a sum or sums amply sufficient to pay the principal of, and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay the interest for the same year on the bonds which will be still outstanding. It shall be the duty of the council, enforceable by mandamus upon the suit of any bondholder or taxpayer, to include such sum or sums as may be necessary for this purpose in the annual budget which it passes.

Sec. 71. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should, from some unforeseen cause, become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, then the council may authorize the sale by the city treasurer of emergency debt certificates to run not to exceed one year and to bear interest at six per cent per annum. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by five-sevenths of the members of the council; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

Sec. 72. Bonds Outside the Debt Limit. Subject to the referendum powers of the voters, the council may issue bonds for legal purposes outside of the debt limit, subject to the following limitations as to the total amount which may be outstanding at any time: (a) for extending, enlarging, or improving water and lighting and heat and power plants, or either, or other revenue-producing public utilities of whatever nature, owned and operated by the city, or of acquiring property needed in connection therewith, not to exceed five hundred thousand dollars; (b) for public improvements payable from special assessments, without limit as to amount.

Chapter VIII

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Sec. 73. The City Plan. The city council shall, with the assistance of the city manager and, if desired, of an advisory city planning commission, prepare and adopt a complete plan for the future physical development of the city. Such plan may be altered from time to time. It may include provisions for zoning, for the platting and development of new areas, for the planning and location of public works of art, public buildings, parks, playgrounds, harbors, bridges, transportation lines, and other public facilities, and for the laying out, grading and improving of streets and public places, as well as for all other matters which may seem essential to such a plan.

Sec. 74. Enforcement of City Plan. The council shall have all necessary power, acting through the city manager, to enforce complete adherence by all persons to the plan adopted as provided above. The city manager shall report to the council all departures from the city plan by individuals or corporations.

Sec. 75. Power to Make Improvements and Levy Assessments. The city of Albert Lea shall have the power to make any and every type of public improvement not forbidden by the laws of this state, and to levy special assessments for all such as are of a local character, such special assessments to be levied against each lot or other unit of property separately as the same may be platted or subdivided. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvement with interest until paid, but shall in no case exceed the value of the benefits received by such property. No levy of special assessments shall be deemed invalid by reason of the fact that the total amount of such assessments shall exceed the actual cost of the improvement, but in case there shall be any excess of assessments over actual cost, the city council shall have the power, and it shall be its duty, to provide for a pro-rata return or remission of such excess assessments to the persons who are by law entitled to the same. All improvements to be paid for by special assessment against the benefited property shall be instituted by petition, as hereinafter set forth. Upon the written request of not less than twenty-five per cent in number and interest of the affected resident property owners, the city council, if it deems such public improvement advisable, shall direct the city manager to prepare an estimate of the cost of the proposed improvements, and also a petition in proper form, containing such

estimate, which shall be set forth both in unit prices and in total thereof. Such petition so prepared shall be used for circulation among the affected resident property owners, and when signed by a majority in number and interest of such resident owners, may be presented to the city council as a petition for such improvement. Thereupon it shall be the duty of the city council to proceed within one year to make such improvement, provided, however, that no contract therefor shall be let in the event the contract price exceeds the estimated cost made by the city manager as hereinbefore prescribed. A new petition, following the procedure herein prescribed, may be filed at any time. All improvements of a temporary character, such as street sprinkling, shall be made only upon petition, signed by a majority in number and interest of the affected property owners. Assessments therefor shall be pro rated per front foot of property abutting on said improvement. Petitions therefor shall cover only the calendar year in which they are presented.

Sec. 76. Local Improvements Regulations. After this charter takes effect local improvements shall continue for the time being to be made as far as possible according to the charter provisions and laws previously applicable thereto, and the council is hereby authorized to adopt and to put into effect in the city of Albert Lea any general law of the state applicable to local improvements of any type and the levying of assessments therefor, provided that the same does not violate the provisions of this charter. As soon as possible, however, the council shall prepare and adopt a complete ordinance covering every type of public improvement, and when this ordinance takes effect it shall, subject to the provisions of Section 75 of this charter, supplant other provisions of law or of the previous city charter upon the same subject. It may be amended from time to time as other ordinances. It shall classify public improvements into three groups, as follows: first, those which shall be constructed or provided entirely from the general revenues of the city; second, those which shall be constructed or provided partly from general revenues and partly from special assessments; and third, those which shall be constructed or provided entirely by special assessments. The second class may be further subdivided. The ordinance shall provide a complete working code, covering the determination of assessments and assessment districts, public hearing, appeals from assessments and the trial thereof, reassessments, the spreading and the collection of assessments along with other taxes or otherwise, penalties for delinquency in making payments, and all other matters appropriate to the subject of local

improvements and assessments. After the passage of such ordinance, all resolutions providing for public improvements shall conform to the regulations laid down in such ordinance and contained in this charter.

Sec. 77. Public Works. How Performed. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract. The city shall require contractors to give bonds for the protection of the city, the employees, and materialmen.

Chapter IX

EMINENT DOMAIN

Sec. 78. Power to Acquire Property. The city of Albert Lea is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said city for any public use or purpose. In addition to the power to acquire property for other public purposes, the city may also acquire, as herein provided, any gas, water, heat, power, light, telephone, or other plant, or other public utility, but no proceedings to acquire any such public utility shall be consummated unless the city has the money in its treasury to pay for the same or has by vote of the people made provision for paying for the property proposed to be acquired. Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power, and for other public purposes, may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Sec. 79. Proceedings in Taking Property. The necessity for the taking of any property by the city shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this state, except as otherwise provided in this charter.

Sec. 80. Payment of Award. Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the city shall have expired, the city shall be bound to, and shall, within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the city.

Sec. 81. City May Abandon Proceedings. The city may, by resolution of the council at any stage of the condemnation proceedings, or at any time within thirty days after any commissioners appointed by the court hereunder shall have filed their

report with the clerk of court, or in case of an appeal to the district or supreme court at any time within thirty days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs thereof.

Sec. 82. City May Take Entire Plant. In case the city shall condemn a public utility which is operated at the time of the commencement of condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system, but all of the property, lands, articles, franchises, and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the city, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interests.

Chapter X

FRANCHISES

Sec. 83. Franchises Defined. The word "franchise" as used in this chapter shall be construed to mean any special privilege granted to any person, co-partnership, or corporation, in, over, upon, or under any of the highways or public places of the city, whether such privilege has heretofore been granted by it or by the state of Minnesota, or shall hereafter be granted by the city or by the state of Minnesota.

Sec. 84. Franchise Ordinances. The council may grant franchises by ordinance adopted by a five-sevenths vote, but in no case shall a franchise be granted by an emergency ordinance. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, or other persons desiring to make an especially burdensome use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the city or its inhabitants or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

Sec. 85. Publication of Franchises. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been accepted by the grantee, and until it has been given adequate publicity, either by the publication of the franchise verbatim in the official paper of the city at least once a week for four successive weeks after its passage, or by the posting of authentic copies of the franchise upon bulletin boards in at least ten of the most public places in the city for a period of thirty days after its passage. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such franchise.

Sec. 86. Term of Franchises Limited. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty-five years.

Sec. 87. Power of Regulation Reserved. The city shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such franchise has been heretofore granted by it or by the state of Minnesota, or shall hereafter be granted by the city or by the state of Minnesota.

Sec. 88. Regulation of Rates and Charges. All corporations, co-partnerships, and persons exercising franchises in the city shall give courteous, efficient, and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield, above all operating expenses and depreciation, a fair return upon all money honestly and efficiently invested in the plant and equipment used by the company in the public service within the city. This shall not be construed as a guarantee of a return and in no case shall there be any return upon franchise value. Within these limits, the determination of a maximum price or rate to be charged by any company for service rendered to the city or to any person or persons within the city shall be made, if possible, by direct negotiations between the company and the council at public hearings. In case of failure to reach an agreement by this method, the council shall, not less than thirty days before the expiration of any existing rate schedule or agreement, appoint the city manager or some other expert as its representative; the company shall appoint a representative; and these two shall by mutual agreement select a third person, preferably an expert in valuation and rate-making, who shall together constitute a board of arbitration. This board shall report its findings as soon as possible and the rate, which it shall agree upon by a majority vote shall be the legal rate, subject to revision by any court of competent jurisdiction. Schedules of rates thus fixed shall be as flexible as may be, and shall in no case fix a definite rate for a period of more than five years. The city and the company may, by mutual agreement, revise existing schedules of rates at any time, proceeding in each case as provided for the original fixing of the rates.

Sec. 89. Conditions in Every Franchise. Every franchise which does not contain the provisions prescribed in this section shall be absolutely void and incapable of ratification by estoppel or otherwise. Every franchise shall contain the following provisions:

(a) That the grantee shall be subject to and will perform on its part all the terms of sections 83 to 90, inclusive, as well as all other pertinent provisions of this charter.

(b) That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates, and charges shall at all times be just, fair, and reasonable for the services rendered, and shall in all cases be fixed and from time to time changed in the manner provided in section 83 of this charter.

(c) That the council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

(d) That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the city to acquire the public utility exercising such franchise, any return on account of the franchise or its value.

(e) That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed in the office of the city clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee shall also file a bond in such amount and with such conditions as the council may require, which bond shall run to the city as obligee, with sureties satisfactory to the council, and shall obligate the assignee or lessee to discharge all obligations and liabilities imposed by said franchise.

(f) That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the council may at any time deem necessary for the safety, health, or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts, and other fixtures bearing wires and the placing underground of all wires for whatsoever purpose used.

(g) Every franchise and every extension or renewal of such

franchise, shall contain a provision for its acceptance in writing by the grantee within thirty days after its passage by the council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the city until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of, and consent to, all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as of the provisions of this charter.

The violation by the holder of any franchise of any of the express provisions prescribed by this section shall be a sufficient cause for the forfeiture of the franchise by a resolution of the council.

Sec. 90. Further Provisions of Franchises. The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the city to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the council may deem proper to protect the city's interests, nor shall anything contained in this charter limit any right or power possessed by the city over existing franchises.

Chapter XI

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Sec. 91. Acquisition and Operation of Utilities. The city shall have power to acquire public utilities as provided in chapter 9 of this charter. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

Sec. 92. Rates and Finances. Upon recommendations made by the city manager or upon its own motion the council shall have the power to fix all rates and charges for water, light, heat, and all other utilities provided by plants owned by the city, but such rates and charges shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for all such services shall be made, and the manner in which water and electric current shall be computed or measured, whether by meter or flat rate, and make such other regulations as may be necessary, and may prescribe penalties for violations of such regulations.

Sec. 93. Purchase in Bulk. The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Sec. 94. City to Pay for Services. The council shall make a reasonable charge, based on the cost of service, for lighting the streets and public buildings, or supplying heat, power, or any other utility, and a reasonable hydrant rental and other charges for supplying the city with water, and shall credit the same to the publicly owned utility supplying the service. Such rentals and other charges for light, heat, power, water, and other services, shall be collected in the same manner as from other consumers, unless the council provides some other plan.

Sec. 95. Lease of Plant. The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation, for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance approved by five-sevenths of the council and subject to popular referendum. In no case shall such contract be for a longer term than ten years. The contractor shall be subject as far as possible to the rules as to rates and service, and as to council control, laid down for the holders of franchises in chapter 10 of this charter.

Sec. 96. Public Utility. How Sold. No public utility owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold or otherwise disposed of by the city, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in an ordinance passed by a five-sevenths vote of the council in the usual way, and submitted to the electors at a general or special election and approved by a majority vote of the electors voting thereon.

Chapter XII

MISCELLANEOUS AND TRANSITORY PROVISIONS

Sec. 97. Official Publications. The council shall regulate by ordinance the manner in which official publicity shall be given to the holding of elections, to ordinances, resolutions, initiative, referendum, and recall petitions, to requests for bids upon contemplated purchases and contracts, and to all other matters whatsoever which require publication either by the terms of this charter or by the laws of Minnesota. It shall annually designate a newspaper of general circulation in the city as the official paper in which shall be published such measures and matters as are by the laws of this state required to be so published, and such other matters as the council may deem it wise to have published in this manner. The council may in its discretion provide for the publication of the annual budget, ordinances, resolutions, initiative, referendum, and recall petitions, election notices, and such other measures and matters as it may deem wise by the posting of typewritten, mimeographed, or printed copies thereof upon at least ten bulletin boards located in the most public places of the city, at important street intersections, at the fire station, the city hall, and so on, and for such period of time as the council may direct in each case. If the latter method of publication is adopted, the council may provide that it shall be in lieu of other methods of publication or in addition thereto at its option. Wherever in this charter there is a requirement of the publication of any measure or matter, it shall be understood that the city council may designate the manner of such publication, subject to the options permitted by this section; but nothing herein contained shall be construed as authorizing or as attempting to authorize any violation of the constitution or the statutes of the state in any matter which is of state concern or which is exclusively under state control.

Sec. 98. Oath of Office. Every officer of the city shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this state, and to discharge faithfully the duties devolving upon me as (mayor, or councilman, or city manager, etc.) of this city to the best of my judgment and ability."

Sec. 99. City Officers Not to Accept Favors or Contracts. No officer or employee of the city shall solicit or receive any pay, commission, money, or thing of value, or derive any special bene-

fit, profit, or advantage, from, or by reason of, any improvement, alteration, or repair required by authority of the city, or any contract to which the city shall be a party, except his lawful compensation or salary as such officer or employee, and except as he and his property may be benefited along with other persons and their property. No officer or employee of the city, except as otherwise provided in this charter, or by law, shall solicit, accept, or receive, directly or indirectly from any public utility corporation or the owner of any public utility or franchise, any pass, frank, free ticket, free service, or any other favor, upon terms more favorable than those granted the public generally. A violation of any of the provisions of this section shall disqualify the offender from continuing in office or in the employment of the city, and he shall be removed therefrom.

Sec. 100. Official Bonds. The city manager, the city clerk, and such other officers of the city as may be provided for by ordinance, shall each before entering upon the duties of their respective offices, give bond to the city in such sum as may be fixed by the council as an additional security for the faithful performance of their respective official duties and the safe-keeping of the public funds. Such bonds shall be approved by the city council and shall be endorsed by at least three members of the council as having been so approved. They shall be filed with the secretary of the council. The provisions of the laws of the state relating to official bonds, not inconsistent with this charter, shall be complied with. The first city manager under this charter shall give bond in the sum of five thousand dollars, but the council may increase this sum at any time.

Sec. 101. City Property Not Lost by Adverse Possession. No right, title, estate, or easement of the city in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the city in favor of any person occupying any public property or highway, whether such highway shall have been improved or not.

Sec. 102. Sales of Real Property. No real property of the city shall be disposed of except by ordinance or resolution. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction, or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a five-sevenths vote designate some other public use for such proceeds.

Sec. 103. Vacation of Streets. The city council shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys, and highways within the city. No street or alley within the city shall be discontinued except by ordinance approved by a five-sevenths vote of the council. A record of such vacation shall be made in the office of the Register of Deeds of the County. Nothing herein contained shall be construed as in any way preventing the electors from exercising their powers under the referendum to reject such ordinance.

Sec. 104. Damage Suits. No action shall be maintained against the city on account of injuries or damages to persons or property, unless such action shall be commenced within one year from the occurrence of such injury or damage, nor unless notice shall have been given in writing to the city clerk within thirty days of the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which the same occurred, and that the person injured or damaged will claim damages of the city therefor.

Sec. 105. Recovery of Judgment for Damages. If any judgment shall be recovered in any action against the city for any injury or damage caused by any obstruction, excavation, opening, or defect in any street or alley or public ground caused or occasioned by the act or omission of any person or corporation, the city shall have the right to recover the amount of any such judgment from the person or corporation so responsible for such obstruction, excavation, opening, or defect; and such person or corporation is hereby declared to be liable to the city in the amount of such damages.

Sec. 106. City to Succeed to Rights and Obligations of Former City. The city shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations, of the city under the former charter.

Sec. 107. Present Officers to Hold Office Till When. The present officers of the city shall continue in their respective offices and functions, and shall continue to govern the city according to the charter and laws in effect in the city at the time of the adoption of this proposed charter until the first Monday in January, 1929. They shall make such financial and other provisions for the fiscal year, 1929, as will serve to carry on the government until a government has been set up under this charter, and the present city council shall make provisions for the establishment of six wards of the city, to comply with provisions in chapter 2, section 7, and they shall make provisions for the election of the

first council as provided for in chapter 4 of this charter. Provided that in case the council should fail to establish ward boundaries as aforesaid prior to the regular municipal election in November, 1928, then, and in that case, the aldermen shall be elected from the following wards, to-wit:

First Ward shall comprise all that territory in the city of Albert Lea lying north of the south line of Fountain Street as that line runs east to Fountain Lake and west to city limits.

Second Ward shall comprise all that territory in the city of Albert Lea lying west of Broadway, south of the south line of Fountain Street and north of the C. M. & St. P. R. R. track.

Third Ward shall comprise all that territory in the city of Albert Lea lying west of Broadway and south of the C. M. & St. P. R. R. track.

Fourth Ward shall comprise all that territory in the city of Albert Lea lying north of Fountain Lake and north and east of Channel between Fountain and Albert Lea Lake.

Fifth Ward shall comprise all that territory in the city of Albert Lea lying east of Broadway, north of Third Street and west of Channel.

Sixth Ward shall comprise all that territory in the city of Albert Lea lying east of Broadway and south of Third St.

The council may, by ordinance, fix or change ward boundaries.

Sec. 108. Statutes Not Affected by Charter. All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the city of Albert Lea operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the city of Albert Lea, and shall be construed as supplementary to the provisions of this charter.

Sec. 109. Existing Ordinances Continued. All ordinances and regulations of the city in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Sec. 110. Pending Condemnations and Assessments. Any condemnation 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 and the lien thereof enforced in the same manner as if this charter had not been adopted.

Sec. 111. Ordinances to Make Charter Effective . The Council is hereby empowered to, and it shall, by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this charter.

Sec. 112. The first city council elected under this charter shall have the power, and it shall be its duty to appoint the first city manager under this charter as soon as possible after its members take office in January, 1929. Upon the appointment of such first city manager the provisions of this charter shall go fully into effect, and all officers and departments of the city shall thereafter be governed by its provisions.

H. C. DAY
OCAR C. OLSON
J. A. FARRY
BERT SKINNER
JAMES C. NELSON
C. L. BLUNT
B. M. LOEFFLER
J. O. PETERSON
OSCAR SUBBY
CHRIST BERTHELSON
HALDOR KNATVOLD
FRANK S. FAVILLE
THOS. H. HJORT
W. S. CAREY
S. O. SIMONSON

STATE OF MINNESOTA, County of Freeborn, City of Albert
Lea, ss.

WHEREAS, Upon application duly made to the district court of the County of Freeborn, in the Tenth Judicial District of the State of Minnesota, (the same being the judicial district in which the City of Albert Lea is situated), the Honorable Norman E. Peterson, judge of said court, did appoint a board of fifteen freeholders, who had been for the past five years immediately preceding their appointment, qualified voters of said City of Albert Lea, to frame a charter for the government of said city, under and pursuant to chapter 351, of the General Laws of Minnesota for 1899, and the acts amendatory thereof, which said board consisted of the following named persons, viz:

Oscar Subby, B. M. Loeffler, C. L. Blunt, Frank Faville, Bert Skinner, John Farry, W. S. Carey, T. H. Hjort, H. Carroll Day,

James C. Nelson, Oscar C. Olson, S. O. Simonson, J. O. Jeteron, H. Knatvold, and Christ Berthelson.

AND WHEREAS, Each and all of said members of said board of freeholders duly accepted said appointment and entered upon the performance of their duties, and duly organized by the election of a president and secretary, viz: Oscar Subby, president and B. M. Loeffler, secretary, and did frame and sign the annexed and foregoing draft of a charter for the government of said City of Albert Lea.

NOW THEREFORE, We, the undersigned, members of said board of fifteen freeholders, hereby sign, submit, present and return to the mayor, as the chief magistrate of the City of Albert Lea, the annexed and foregoing draft of said charter as the proposed charter of said City of Albert, so framed and prepared by said board of freeholders; and do hereby certify that the annexed and foregoing is the proposed charter of said city so framed and prepared to be voted upon according to law.

H. C. DAY
OSCAR C. OLSON
J. A. FARRY
BERT SKINNER
JAMES C. NELSON
C. L. BLUNT
B. M. LOEFFLER
J. O. PETERSON
OSCAR SUBBY
CHRIST BERTHELSON
HALDOR KNATVOLD
FRANK S. FAVILLE
THOS. H. HJORT
W. S. CAREY
S. O. SIMONSON

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STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

MAY 17 1928

W. H. Johnson
Secretary of State