

STATE OF MINNESOTA
COUNTY OF CHIPPEWA

DISTRICT COURT
TWELFTH JUDICIAL DISTRICT.

In the Matter of the application of citizens of the City of Montevideo, in the County of Chippewa and State of Minnesota, to the Judges of the District Court for the Twelfth Judicial District, for the appointment of a new board as a charter commission for said city, composed of fifteen qualified freeholders and voters of said city to frame a new charter or to amend the existing charter of said city.

WHEREAS, A petition for the appointment of a board of freeholders to frame a new charter for the City of Montevideo, Minnesota, or to amend the existing charter of said city has been presented to the undersigned;

THEREFORE, Pursuant to the Constitution and Laws of the State of Minnesota, We, the undersigned, being all the Judges of the District Court of the Twelfth Judicial District in and for the County of Chippewa and State of Minnesota, on this 18th day of September, 1928, do hereby appoint the following named persons, who during the last five years have been and now are voters and freeholders of said City of Montevideo, as a board to draft and submit a new charter for said city, or to draft and submit amendments to its present charter, as may be deemed best, such charter or amendments to be drafted, returned, proposed and submitted in accordance with the constitution and laws of the State of Minnesota, viz:

W. J. Smith	S. E. Nelson
H. E. Chamberlin	J. W. Fisch
Phil Calmenson	J. W. Mericle
L. E. Campbell	L. R. Lima
John W. Peterson	Andrew Rubertus
Theo Arneson	Olof Larson
George Graves	F. L. Starbeck
G. T. Rodeberg	

Dated September 18th, 1928.

Harold Baker

G. E. Qvale

Judges of District Court.

CHARTER
OF THE
City of Montevideo
MINNESOTA

Home Rule Charter
adopted Wednesday, Oct. 1, 1930

By Order of the City Council of the
CITY OF MONTEVIDEO

1930

To the Honorable J. J. Brown, Mayor of the City of Montevideo in the County of Chippewa, State of Minnesota, and the members of the City Council of said city:

The undersigned heretofore appointed by the Judges of the District Court of the Twelfth Judicial District as a board of freeholders or charter commission for said City of Montevideo, do hereby report and deliver the hereto attached proposed charter for said City of Montevideo and recommend that said proposed charter be submitted to the voters of said city for adoption, according to law.

Dated this 8th day of September, 1930.

M. E. CHAMBERLIN, Chairman
L. E. CAMPBELL, Vice Chairman
JOHN W. PETERSON, Secretary
PHIL CALMENSEN
W. J. SMITH
S. E. NELSON
THEO. A. ARNESON
OLOF L. LARSON
GEORGE O. GRAVES
C. T. RODEBERG
L. R. LIMA
ANDREW RUBERTUS
F. L. STARBECK
J. W. FISCH
J. W. MERICLE

PROPOSED CHARTER OF THE CITY OF MONTEVIDEO

CHAPTER I.

NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS.

Section 1.—Name and Boundaries.—The City of Montevideo, in the County of Chippewa 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 Montevideo, 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 Chippewa and State of Minnesota, described as follows, viz:

Beginning at the east quarter corner of Section seven (7), township one hundred seventeen (117) north of range forty (40) west of the 5th principal meridian, thence south along the east line of said section seven (7) to the southeast corner thereof; thence east along the north line of section seventeen (17) township one hundred seventeen (117) north of range forty (40) west of the 5th principal meridian, 440.02 feet to the east line of Ninth Street of the City of Montevideo extended; thence south along the east line of said Ninth street 575 feet to

the north line of Lincoln avenue of said city; thence east along the North line of said Lincoln avenue extended to the east line of the west half (W $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) of said section seventeen (17) thence south along said west half (W $\frac{1}{2}$) to the southeast corner of said west half (W $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) of said section seventeen (17); thence west along the south line of said west half (W $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) 694.4 feet to the center line of Tenth Street of said city extended; thence south along said center line approximately 1,350 feet to the center line of Eighth street; thence southwesterly along the center line of Tenth street approximately 400 feet to the center line of the "State Road"; thence northwesterly along the center line of the "State Road" approximately 324 feet to the northwest line of "Fairview Addition" extended; thence southwesterly along the northwest line of "Fairview Addition" approximately 120 feet to the east line of section eighteen (18) said township and range; thence south along the east line of said section eighteen (18) to the southeast corner thereof; thence west 1,327 feet

to the northeast corner of the northwest quarter (NW $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$) of section nineteen (19) said township and range; thence south 1,320 feet to the southeast corner of said northwest quarter (NW $\frac{1}{4}$) of the northeast quarter (NE $\frac{1}{4}$); thence west 1,320 feet to the southwest corner of said northwest quarter (NW $\frac{1}{4}$) of northeast quarter (NE $\frac{1}{4}$); thence south along the east line of government lot one (1) of said section nineteen (19) to the center of the Minnesota River; thence northwesterly along the center line of the main channel of said river to the west line of said section eighteen (18); thence north approximately 4,685 feet to the northwest corner of said section eighteen (18); thence north along the west line of said section seven (7) to the west quarter corner thereof; thence east along the quarter line of said section approximately 3,168 feet to the center line of the west street of "Thompson's Addition" in said city; thence north along said center line 786 feet to the north line of said "Thompson's Addition"; thence east 630 feet to the northeast corner of said addition; thence south along the east line of said addition 756 feet; thence east 30 feet north of and parallel with the quarter line of said section seven (7) 448 feet to the east line of Fourth Street extended; thence south 30 feet; thence east along the quarter line of said section seven (7) 831 feet to the place of beginning.

Section 2.—Powers of the City.—The city of Montevideo, 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, func-

tions, 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.

Section 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 2.

FORM OF GOVERNMENT.

Section 5.—Form of Government.—The form of government established by this charter shall be known as the "Council-Mayor plan." All powers of the city shall be exercised by the city council except as otherwise provided herein.

Section 6.—The Mayor.—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 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. He shall be the head of and have command and control of the police force, maintain order and enforce the law, and be head of and in control of the department of public safety and welfare. The president of the council shall perform the duties of mayor during his absence or disability and while so acting shall be known and styled acting mayor. In case of absence or disability of both the mayor and president of the council, the council may elect one of its members acting mayor during such absence or disability. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the president of the council shall become mayor to fill the vacancy for the unexpired term, and the council shall appoint one of its members to the office of president of the council and fill the vacancy in the council as provided in Section 9, but in the case of a recall the vacancy shall be filled in the manner provided by this charter.

Section 7.—Elective Officers.—The elective officers of the city shall be, a mayor, five councilmen, and a treasurer, who shall be qualified electors and who shall be elected at large in the manner hereinafter provided. The five councilmen 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 the charter the three candidates having the highest number of votes shall serve for four years, and the two candidates having the next highest number of votes shall serve for two years. The mayor and the treasurer shall serve for a term of two years and until their successors are elected and qualified. There shall also be elected a municipal judge and a special municipal judge, as provided by law.

The terms of all officers shall begin on the first Monday after the first Tuesday in January following a regular municipal election.

Section 8.—Incompatible Offices.—No member of the council shall hold any

paid municipal office or employment under the city; and until one year after the expiration of his term as 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.

Section 9.—Vacancies in the Council.

—A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, removal from the city, continuous absence from the city for more than three months, or conviction of a felony of any such person whether before or after his qualification, or by reason of the failure of any 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 appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term; provided that any vacancy 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.

Section 10.—Salaries.—The mayor shall receive an annual salary of One Hundred and Fifty Dollars, payable quarterly. The councilmen shall serve without compensation, except each shall receive the sum of \$5.00 for each regular meeting upon which said officer is in attendance throughout its entire session, and when meeting as the board of equalization they shall each receive not to exceed \$1.00 per hour of actual service, payable quarterly. The other elective officers and all appointive officers and employees of the city shall receive such salaries or wages as may be fixed by the council by resolution.

Section 11.—Appointive Officers.

—The appointive officers of said city shall be a city clerk, city attorney, assessor, superintendent of public utilities, engineer, and such other officers subordinate to the council as the coun-

cil may create by ordinance. They shall be appointed by the council by ballot, and the affirmative vote of three members shall be necessary for such appointments. They shall be appointed annually and their duties shall be fixed by the council by ordinance. All appointive officers shall be selected for their special fitness for their respective offices and positions. The city engineer shall be a registered engineer.

Section 12.—Board.—The council shall appoint five park commissioners, nine members of the library board, a board of health consisting of more than nine members, a city planning commission, and may appoint a radio commission and such other boards and commissions as it may deem necessary. They shall be appointed by the council by ballot, and the affirmative vote of three members shall be necessary for such appointments. The park commissioners shall hold their offices for five years and until their successors shall have been appointed and qualified; provided, that the first members of the board shall be appointed for one, two, three, four and five years, respectively. The members of the library board shall hold their offices for three years and until their successors shall have been appointed and qualified; the first members of the board shall be appointed three for one year, three for two years, and three for three years. The members of the board of health shall be appointed annually. The duties of the various boards and commissions shall be fixed by the council by ordinances.

Section 13.—Investigation of City Affairs.—The council and any officer or officers formally authorized by it 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. The accounts of the city shall be audited by the state public examiner or a certified public accountant at least once each year.

CHAPTER 3.

PROCEDURE OF COUNCIL.

Section 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 at such times as may be prescribed by ordinance or resolution, except that they shall meet in regular session twice each month. The mayor, or any two 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.

Section 15.—Officers of the Council.—The city clerk shall be the secretary of the council and serve as such at its meetings and shall keep such records and perform such other duties as may be required by this charter or by vote of the council. The president of the council shall be elected by the council from its members at the first regular meeting of the council in January following each city election.

Section 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 a means by which a minority may compel the attendance of absent members.

Section 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 and resolutions and of at least three members for the passing of motions, except as otherwise provided in this charter.

Section 18.—Procedure on Ordinances.—The enacting clause of all ordinances passed by the council shall be in the words, "The city of Montevideo 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 reading 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 city clerk at least one week before its final passage, except in the case of emergency ordinances or resolutions.

Section 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 four 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.

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

Section 21.—Signing and Publication of Ordinances and Resolutions.—

Every ordinance or resolution passed by the council shall be signed by the president of the council and attested by the city clerk, and shall be filed with the city clerk and by him recorded and preserved. Every ordinance, except emergency ordinances, shall, before it takes effect, forthwith be presented to the mayor for his approval. If he approves he shall sign the same, but if he disapprove it, he shall return it to the city council with his objections thereto, by depositing the same with the city clerk, to be presented to the city council at the next regular meeting. No ordinance shall be signed by the mayor within two (2) days, Sunday and legal holidays excepted, after the same is presented to him, and if the same shall not be returned by him before the next regular meeting of the city council after it shall have been presented to him, it shall have the same force and effect as if approved by him. Upon the return of any ordinance by the mayor, without his approval, the city council may at the next regular meeting thereof pass the same by the affirmative vote of all five members, and it shall have the same effect as if approved by the mayor. Every ordinance except emergency ordinances shall be published at least once in the official paper of the city within fifteen days after its approval by the mayor or after its passage by the council over the veto of the mayor and shall be recorded in a book kept for that purpose, which record shall be attested by the city clerk.

Section 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 enacted by the council shall take effect seven days after the date of their publication 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 desig-

rated therein, then immediately upon of election therein.
the adoption thereof.

Section 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 ordinances or resolutions 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.

CHAPTER 4.

NOMINATIONS AND ELECTIONS.

Section 24.—Election Districts.—The council shall establish and from time to time divide, consolidate and rearrange election districts by ordinance, according to the laws of this state.

Section 25.—The Regular Municipal Election.—A regular municipal election shall be held on the first Tuesday after the first Monday in November in every even numbered year at such place or places as the city council may designate. At least fifteen days previous notice shall be given by the city clerk of the time and place of holding such election, and of the officers to be elected, by posting a notice thereof in at least three public places in the city, or by publishing a notice thereof at least once in the official newspaper, or both, as the council may ordain, but the failure to give such notice shall not invalidate such election.

Section 26.—Special Elections.—The council may by resolution and shall upon the petition signed by a number of electors equivalent to at least twenty-five per cent of the total number of votes cast at the last preceding regular city election order a special election, fix the time of holding the same and provide 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.

Section 27.—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 and two qualified voters of each election district, or as many more as may be necessary, to serve as clerks

Section 28.—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, providing said elector has not filed his declination to be a candidate for said office at least ten days before said election. Such petition shall be signed by a number of electors equivalent to at least three per cent of the total number of votes cast at the last regular municipal election. 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 fifteen days before the election. The clerk shall prepare the ballots in a manner to be provided by ordinance.

Section 29.—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 Montevideo, hereby nominate John Doe, whose residence is..... for the office of..... to be voted for at the election to be held on the.....day of.....19... and we individually certify that we are qualified electors 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 cir-
 culator of the foregoing petition paper
 containing.....signatures, and that
 the signatures appended thereto were
 made in his presence and are the sig-
 natures 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 Richard Roe, at No.....
 Street.

Section 30.—Canvass of Elections.—
 The council shall meet and canvass
 the election returns within three 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 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.

Section 31.—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.

CHAPTER 5.

INITIATIVE, REFERENDUM, AND RECALL.

Section 32.—Powers Reserved By the
 People.—The people of Montevideo re-
 serve to themselves the powers, in ac-
 cordance with the provisions of this
 charter, to initiate and adopt ordin-
 ances and resolutions, to require meas-
 ures passed by the council to be re-
 ferred 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.

Section 33.—Expenditures By Peti-
 tioners.—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 re-
 ward, pecuniary or otherwise, for serv-
 ice rendered in connection with the
 circulation thereof, but this shall not
 prevent the committee from incurring
 an expense not to exceed thirty-five
 dollars for legal advice, stationery,
 copying, printing and notaries' fees.
 Any violation of the provisions of this
 section shall constitute a misdemeanor.

Section 34.—Further Regulations.—
 The council shall as soon as possible
 after the organization of the city gov-
 ernment 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 or-
 dinance shall include the relevant pro-
 visions of this charter.

INITIATIVE.

Section 35.—Initiation of Measure.—
 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 here-
 in described, together with their names
 and addresses as sponsors therefor.

Section 36.—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 there-
 to attached. Such petition shall not
 be completed unless signed by a num-
 ber 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 cir-
 culator of every such paper shall make
 an affidavit that each signature ap-
 pended to the paper is the genuine
 signature of the person whose name
 it purports to be. Each signature pa-
 per shall be in substantially the fol-
 lowing form:

INITIATIVE PETITION.

proposing an ordinance (or resolution

as the case may be) to..... regular or any special election; at its (stating the purpose of the measure), option.
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.

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

Section 37.—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 all the members of the committee of sponsors of that fact in writing by mail, 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 by mail 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.

Section 38.—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 twenty-five 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.

Section 39.—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.

Section 40.—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.

Section 41.—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 twenty-five 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 votes 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; but otherwise it shall take effect immediately or on the date therein specified.

Section 42.—Referendum Petitions.—The requirements laid down in Sections 35, 36 and 37 above as to the formation of committees for the initiation of measures and as to the form of petitions and signature papers and action thereon 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.

Section 43.—Referendum Ballots.—The ballots used in any referendum election shall conform to the rules laid down in Section 39 of this charter for initiative ballots.

RECALL.

Section 44.—The Recall.—Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 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 certification.

Section 45.—Recall Petitions.—The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk as provided in Section 44, together with all the signature papers and affidavit thereto attached. Such petition shall not be completed unless signed by a number of voters equal to at least twenty-five 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:

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.

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

Section 46.—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 who cast their votes at the last preceding regular municipal election, he shall so notify all of the members of the committee by mail. The committee then shall 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 by mail to that effect and shall file the petition in his office. No further action shall be taken thereon.

Section 47.—Recall Election.—If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay. The council shall at its next regular meeting, by motion, provide for the holding of a special recall election 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.

Section 48.—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 for 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.

Section 49.—Form of 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?" 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" on 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 the ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

CHAPTER 6.

ADMINISTRATION OF CITY AFFAIRS.

Section 50.—Departments of Administration.—The city council shall exer-

cise control over all administrative affairs of the city, either directly or through its appointed officers and heads of departments, except as delegated exclusively to the mayor in Section 6 of this charter, subject to provisions of this charter and any regulations by ordinance consistent therewith. Such administrative affairs shall be divided into the following departments: the department of public safety and welfare under the control and direction of the mayor; and the department of finance and accounting, department of public utilities, department of streets, and department of public grounds, buildings and improvements, each under the direction of a member of the council, assigned thereto by the president of the council, and over which the president of the council shall have general supervision. It may create such other departments, boards, and subdivisions in addition to those named in Section 12 as it may determine to be advisable for efficient administration. It may combine the duties of various officers and may alter the powers and organization of, or abolish any department as conditions may justify.

Section 51.—Powers and Duties of Council.—It shall appoint a city clerk, engineer, attorney, superintendent of public utilities, assessor, all heads of departments, subordinate officers and employees, each selection being made by reason of the individual's ability and training, and may remove them for sufficient cause after giving such appointees a reasonable hearing. All the appointees shall be under control of, and responsible to the council. All appointed officers and heads of departments shall attend council meetings on request of the council; they shall keep the council fully informed as to the operation and needs of their respective departments and any violation of the city's planning and zoning regulation, and shall perform all other duties prescribed by this charter or the council.

Section 52.—Purchases and Contracts.—The city clerk shall be the chief purchasing agent of the city, all purchases to be made and all contracts for equipment, materials and supplies

to be let by direction of the council. All contracts, except for ordinary supplies, and all bonds, certificates of indebtedness and other instruments to which the city will be a party shall be signed by the mayor and city clerk on behalf of the city.

Section 53.—Administrative Code.—The council shall prepare and adopt a complete administrative code by ordinance within one year from the date of the organization of the first council.

CHAPTER 7.

FIRE DEPARTMENT.

Section 54.—Fire Department.—There shall be a fire department, either volunteer or paid, but the council may establish an all paid department by ordinance adopted by a four-fifths vote. The council may employ one equipment caretaker and driver and one assistant on a monthly salary, and may pay volunteer members a moderate compensation for active service in fighting fires.

Section 55.—Officers.—The fire department shall elect a chief, an assistant chief and such other officers as may be needed, and may adopt regulations for its government, subject to the approval of the council.

Section 56.—Destruction of Buildings.—Whenever any building in the city shall be on fire, it shall be lawful for, and shall be the duty of the mayor or the chief of the fire department to order and direct the destruction and removal thereof, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof that he may deem hazardous or likely to communicate fire, and no action shall be maintained against any person, or said city, therefore, or on account thereof.

Section 57.—Powers and Duties of Chief.—The council shall prescribe by ordinance the powers and duties of the chief of the fire department and make such rules and regulations as may be necessary and proper for the efficient conduct of the department.

CHAPTER 8.

TAXATION AND FINANCE.

Section 58.—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 safe-keeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 59.—Fiscal Year.—The fiscal year of the city shall end on the thirty-first day of December.

Section 60.—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. Insofar 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.

Section 61.—Board of Equalization.—The council shall constitute a board of equalization and shall meet as such in the usual place for holding council meetings on the 4th Monday in June to equalize the assessments according to law.

Section 62.—Preparation of Annual Budget.—The council 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 added 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) interest, (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 obligations. Such estimates shall be printed or typewritten, and there shall be at least eight copies, one for each member of the council, one for the mayor, one for the city clerk, and one to be posted on an official bulletin board to be provided by the city council at the city public building. The estimates shall be considered by the council at its first regular meeting in September, and shall be made public. The council may include with the estimates such explanatory statement or statements as it may deem necessary.

Section 63.—Passage of the Budget.—The budget shall be the principal item of business at the first regular meeting of the council in September, 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 opportunity to ask such questions as may seem pertinent to them. The budget estimates shall be read in full. 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 62. 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 regular meeting in October.

Section 64.—Enforcement of the Budget.—It shall be the duty of the council to enforce strictly the provi-

sions of the budget. It shall not authorize any order to be drawn 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, except as provided in Section 74. No officer or employee of the city shall place any orders or make any purchases except as authorized by the council.

Section 65.—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 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 four-fifths vote, reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes.

Section 66.—Levy and Collection of Taxes.—On or before the first regular meeting in 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 aggregate of such taxes in one (1) year shall not exceed three and one-half (3½) per cent of the assessed valuation. The clerk shall transmit to the county auditor annually, not later than the tenth day of October, a statement of 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 purpose for which the same is levied, but in that case the surplus shall go into the fund to which such tax belongs.

Section 67.—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.

Section 68.—Disbursements. How Made.—All disbursements shall be made only upon the order of the president of the council and the city clerk, duly authorized by the council, and every such 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 for the payment of money violating any provisions 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 a verified 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 safe-keeping and disbursement of the city's funds.

Section 69.—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 purpose, 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.

(b) 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.

(c) 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.

(d) 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 which, in its judgment, shall be extended for payment, as provided in Chapter 9 of this charter. The council may order the issuance and sale of bonds or certificates of indebtedness representing such aggregate sum, which shall entitle the holder thereto to demand and receive from the city of Montevideo, upon the surrender of such bonds or certificates of indebtedness to the treasurer on or after the date of the 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 become due on such dates as the council may determine, subject to the provisions of section 73; and such certificates of indebtedness may be issued in such amounts and become due on such dates as the council may determine but they shall not be issued to run for a longer term than ten years. The proceeds of the sale of said bonds or certificates of indebtedness shall be paid in to the permanent improvement revolving fund. The council may, in its discretion, either sell said bonds or certificates of indebtedness direct to investors, or may contract for the sale of all such bonds or certificates of indebtedness that may be issued during any calendar year. No sale of such bonds or certificates of indebtedness, 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.

Section 70.—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 not later than three days after such receipt. All such moneys, and also all moneys received upon tax judgments from the county treasurer, shall be deposited as soon as received in a bank or banks approved by the city council. Said bank or banks shall first furnish good and sufficient security acceptable to 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.

Section 71.—Accounts and Reports.—The city clerk 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 first meeting in January, the city clerk 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 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 allowances; and an inventory of all the property owned by the city; and such further information as the council and other city officials and the taxpayers should have.

Section 72.—Bonded Debt and Debt Limit.—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 four-fifths vote of the council for the purchase of real estate, for new construction, for new equipment, and for all improvements of a lasting character, including public utilities, provided all bond issues exceeding thirty thousand dollars must first be approved by a majority vote of the legal voters. The total bonded debt of the city shall never exceed five 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 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.

Section 73.—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 seventy-five per cent of 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 twenty years. The purpose 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 council to include in its budget each year a sum or sums sufficient to pay the principal of, the interest for the same year on the and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay interest for the same year on the bonds which will still be outstanding.

Section 74.—Emergency Debt Certificates.—If in any year the receipts from taxes or other sources shall from unforeseen cause become insufficient for the ordinary expenses set forth in the budget 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 not to exceed 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, provided that the total amount of certificates issued in any one year plus all other items of the budget to be adopted the following year shall not exceed three and one-half (3½) per cent of the assessed valuation as stated in section 66. The authorization of an issue of such emergency debt certificates shall take the form of an emergency ordinance approved by four-fifths of the members of the council.

Section 75.—Bonds Outside the Debt Limit.—The council may by an affirmative vote of four members 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 the creation and maintenance of a permanent revolving fund, not to exceed twenty-five thousand dollars; (b) 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 twenty-five thousand dollars; (c) for public improvement payable from special assessments, without limit as to amount.

CHAPTER 9 PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 76.—The City Plan.—The city council shall, with the assistance of the city engineer and of an advisory city planning commission, prepare and adopt by ordinance a complete plan for the future physical development of the city, within two years after the adoption of this charter. Such plan may be altered from time to time. It shall include provisions for zoning to regulate the location, size, use and height of buildings, the arrangement of buildings on lots, and the density of population within such city; and

may make different regulations for different districts thereof; and may include provisions for the platting and development of new areas, for the planning and location of public works of art, public buildings, parks, play grounds, bridges, transportation lines, and other public facilities, and for the laying out, grading, and improving of streets, streams and public places, as well as for all other matters which may seem essential to such plan.

Section 77.—Enforcement of City Plan.—The council shall have all necessary power to enforce complete adherence by all persons to the plan adopted as provided. The city engineer shall report to the council all departures from the city plan by individuals or corporations.

Section 78.—Power to Make Improvements and Levy Assessments.—The city of Montevideo 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. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvement plus necessary incidental expenses with interest until paid, but shall in no case exceed the value of the benefits received by such property.

Section 79.—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. 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 supplant other provisions of law or 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 assess-

ments. The second class may be further subdivided. The ordinance shall provide a complete working code, covering petitions of resident property owners, the determination of assessments and assessment districts, public hearings, appeals from assessments and the trial thereof, reassessments, the spreading of assessments over a period of not to exceed ten years, 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.

Section 80.—Public Works. How Performed.—Public works, including all local improvements, may be constructed, extended, repaired and maintained either by contract, or if the estimated cost is less than \$1000.00 directly by day labor. Before accepting bids the council shall have suitable plans and specifications prepared for the proposed material or projects. The award of any contract amounting to more than \$25,000.00 shall require a four-fifths vote of the council. When the best interests of the city will be served thereby the city council may organize a construction department, under competent supervision and provided with suitable equipment. The right is reserved to the city council, acting through the construction department to bid on any work to be let by contract. All contracts shall be let to the lowest responsible bidder, but "the lowest responsible bidder" shall be interpreted as giving the council the right to accept any bid which it determines is most advantageous to the city. The council shall reserve the right to reject any or all bids. Detail proceedings governing advertising for bids and executing contracts shall be specified by ordinance. The city shall require contractors to give bonds for protection of the city, the employees and materialmen.

CHAPTER 10. EMINENT DOMAIN

Section 81.—Power to Acquire Property.—The city of Montevideo is here-

by 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. Easement for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Section 82.—Proceedings in Taking Property.—The necessity for 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 chapter.

Section 83.—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 therefore may be had against the city.

Section 84.—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.

Section 85.—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 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 plan and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interests.

CHAPTER 11 FRANCHISES

Section 86.—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.

Section 87.—Franchise Ordinances.—The council may grant franchises by ordinance adopted by a four-fifths 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 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.

Section 88.—Term of Franchise Limited.—No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty-five years.

Section 89.—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.

Section 90.—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 the 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 negotia-

tions 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 an 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 rates.

Section 91.—Arbitration of Labor Disputes.—If any controversy, dispute, or disagreement shall arise between any public service corporation, co-partnership, or person, operating in the city, and its employees, which, in the opinion of the council interferes or threatens to interfere with the service to which the city or its inhabitants are entitled, the council shall have power to compel the parties involved in the controversy to submit the same to a board of arbitration under such procedure as may be provided by ordinance. The findings of such arbitral authority shall be advisory, unless the parties shall agree in advance to make such findings mandatory.

Section 92.—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 86 to 93, 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 90 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 facts 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 under ground 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 limitation contained in the ordinance granting the franchise as well as of the provisions of this charter.

(h) Every franchise shall contain a provision granting the city the right to acquire it at the end of every six years, if a majority of the voters of the city vote in favor of said acquisition.

Whenever two hundred legal voters of the city petition the council to acquire a franchise, the council shall within thirty days after the presentation of such petition, submit the same to the voters of the city, at an election for that purpose, provided that if any other municipal election is to occur within ninety days after the presentation of said petition the council may in its discretion submit said matter at such election. 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.

Section 93.—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 12

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 94.—Acquisition and Operation of Utilities.—The city shall have the power to acquire public utilities as provided in chapter 10 of this charter. The operation of all public utilities owned by the city shall be under the supervision of the city council.

Section 95.—Rates and Finances.—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, heat, electric current and any other utility product supplied by plants owned or leased by the city 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 violation of such regulations.

Section 96.—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.

Section 97.—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 for 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 service, shall be collected in the same manner as from other consumers, unless the council provides some other plan.

Section 98.—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 four-fifths of the council. 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 11 of this charter.

Section 99.—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 four-fifths 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 13

MISCELLANEOUS AND TRANSI- TORY PROVISIONS

Section 100.—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 publications, 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, however, in its discretion, provide for the publication of the annual budget, 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 three official bulletin boards located in the most public places in the city, one of which shall

be the bulletin board at the city public building, 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.

Section 101.—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 clerk, etc.) of this city to the best of my judgment and ability."

Section 102.—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 benefit, profit, or advantage, directly or indirectly, 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, unless such officer or employee, or the firm or corporation in which such officers or employee is interested, shall be the lowest bidder, or one of the lowest, in which case the council may by unanimous vote accept the same, but such contract or bid shall be in writing, and shall state explicitly the relation and interest of such official or employee in such firm or corporation, and shall be published in full in the official proceedings of the council and no such officer or employee shall be interested, directly or indirectly, in any contract job for work or materials, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating a public utility within the territorial limits of the city. 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 municipal utility corporation or the owner of any public municipal 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. Any contract with the city in which any officer or employee of the city is, or becomes, directly or indirectly interested, except as above provided, personally, or as member of a firm, or as an officer or director of a corporation, shall be void; and any money which shall have been paid on such contract by the city may be recovered from any or all the persons interested therein by joint or several action.

Section 103.—Official Bonds.—The city treasurer, 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 with a legal authorized surety company as surety in such sums 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. All 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 city clerk and the premiums on such surety bonds shall be paid by the city.

Section 104.—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.

Section 105.—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 outstanding indebtedness incurred by the city in the purchase, construction or improvement of this or other property for the same public purpose; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a

four-fifths vote designate some other public use for such proceeds.

Section 106.—Vacation of Streets.—No street or alley within the city shall be discontinued except by ordinance approved by a four-fifths vote of the council. A record of such vacation shall be made in the office of the Register of Deeds of the county.

Section 107.—Damage Suits.—No action shall be maintained against the city on account of any injuries or damages to persons 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, and the amount of compensation or other relief demanded.

Section 108.—Recovering of Judgment for Damages.—If any judgment shall be recovered in any action against the city for any injury or damage caused by an obstruction, excavation, opening, or defect in any street 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.

Section 109.—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.

Section 110.—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 in the usual manner until the 12th day of January, 1931. They shall make such financial and other provisions for the fiscal year of 1931 as will serve to carry on the government until a

government has been set up under this charter, and they shall make provision for the election of the first city council as provided for in chapter 4 of this charter.

Section 111.—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 the cities of the same class as the city of Montevideo operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the city of Montevideo, and shall be construed as supplementary to the provisions of this charter.

Section 112.—Existing Ordinances Continued.—All ordinances and regulations of the city in force when this charter takes effect, and not incon-

sistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 113.—Pending Condemnations and Assessments.—Any condemnation or assessment proceedings in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the city prior to the time when this charter takes effect shall be collected and the lien enforced in the same manner as if this charter had not been adopted.

Section 114.—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.



J. J. BROWN, MAYOR

B. O. BONN, Clerk
A. E. ARNTZEN, Treasurer
C. D. BENDEL, Municipal Judge
W. W. MERRILL, Attorney
B. A. WHITMORE, Justice of the Peace
C. E. MILLS, Justice of the Peace
CHAS. WALDECK, Fire Chief
M. E. CHAMBERLIN, Engineer
J. STROMMER, Chief of Police
DR. H. A. ROUST, Health Officer
W. E. COSGRIFF, Supt. Waterworks

CITY OF MONTEVIDEO
MINNESOTA

CITY COUNCIL

GEO. O. GRAVES, Pres.
J. W. FISCH
SIG. LOFDAHL
E. L. NEMITZ
H. W. WELLMAN

September 15, 1930.

To the Honorable City Council,
City of Montevideo, Minnesota,
Chippewa County.

Gentlemen:

I have the honor to present to your administrative body of a proposed new Charter for the City of Montevideo, Minnesota, drafted by the legally constituted Charter Commission, and presented to me on the eighth day of September, 1930.

I, therefore, take pleasure in presenting the herewith attached instrument and respectfully request that you present the same to the electorate of this City in the manner provided by law.

J. J. Brown

Mayor

JJB:SH
Enc.

STATE OF MINNESOTA)

COUNTY OF CHIPPEWA (ss

CITY OF MONTEVIDEO)

I, B. O. Bonn, Clerk of the City of Montevideo, in the County of Chippewa and State of Minnesota, do hereby certify, that, at a regular meeting of the City Council of said City of Montevideo, held in the Council Room, in the City Hall in said City, on the 15th day of September, 1930, the following resolution was adopted:

"Whereas the Mayor, J. J. Brown has presented to the Council the proposed City Charter as drafted by the Charter Commission and recommends that it be submitted to the voters;

Be it resolved that said proposed charter be submitted to the voters at a special election on October 1st., 1930, and that the City Clerk post the proper notices of said election."

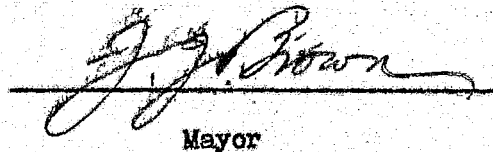
Dated December 18, 1930

B. O. Bonn
City Clerk

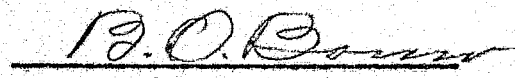
STATE OF MINNESOTA)
COUNTY OF CHIPPEWA(ss
CITY OF MONTEVIDEO)

I, J. J. Brown, Mayor of the City of Montevideo,
in the County of Chippewa and State of Minnesota, do hereby cert-
ify, that the foregoing proposed City Charter was submitted to the
qualified voters of said City of Montevideo by the City Council of
said City at a Special Election held for that purpose on the 1st day
of October, 1930, at which said election the said Charter was rat-
ified and adopted by such qualified voters, by a more than four-
sevenths vote thereof, to-wit: by a vote of Three hundred ninety-
eight (398) in favor of the adoption of said Charter and Two hund-
red forty-eight (248) against the adoption of said Charter.

Witness my hand and the seal of Said City this
18th day of December, 1930.


Mayor

Attest:


City Clerk