

CERTIFICATE OF ADOPTION.

STATE OF MINNESOTA)
COUNTY OF POPE) SS.
CITY OF GLENWOOD.

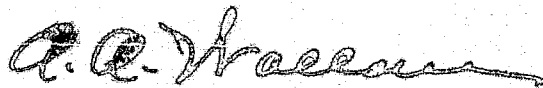
I, A.O. Wollan, Mayor of the City of Glenwood, Pope County, Minnesota, and as such the Chief Magistrate of said City, DO HEREBY CERTIFY that the Charter hereto attached, and hereby expressly made a part of this Certificate, is the Charter returned and filed with the Chief Magistrate of said City of Glenwood by the Board of Freeholders duly appointed, qualified and acting as a commission to frame the said Charter, and is the Charter submitted to the voters of the said City of Glenwood for ratification and adoption at the special election held in said City on the 27th day of September, 1937, and that said Charter was duly ratified and adopted by the voters of said City of Glenwood on said 27th day of September, 1937, at said special election by the following vote, to-wit:

In favor of the adoption of said Charter 179 votes.

Against the adoption of the said Charter 37 votes.

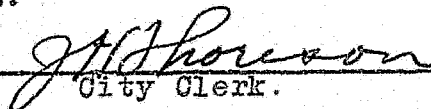
That the votes cast at said special election were duly canvassed by the City Commission of the City of Glenwood, acting and sitting as a canvassing board, and said Charter was thereupon by said Board declared duly ratified and adopted by said vote, and the undersigned makes this certificate setting forth the said Charter, and the ratification and adoption thereof, pursuant to, and in conformity with the provisions of Section 36, Article 4, of the Constitution of the State of Minnesota, and of Section 755 of the Revised Laws of Minnesota for the year 1905 and acts amendatory thereof.

Witness my hand and the corporate seal of the said City of Glenwood this 20th day of October, 1937.



Mayor, City of Glenwood,
Pope County, Minnesota.

Attest.


City Clerk.

To the Honorable A. O. Wollan, Mayor of the City of Glenwood in the County of Pope and State of Minnesota, and the members of the City Commission of said City:

The undersigned members of the Charter Commission of the City of Glenwood, being a majority of the members appointed thereto by the Honorable S. A. Flaherty, Judge of the District Court of the Sixteenth Judicial District, do hereby deliver the attached proposed charter for the City of Glenwood into your hands with the recommendation that the said proposed charter be by you submitted to the voters of the City for adoption as required by law.

B. K. Savre, Chairman
E. A. Gandrud, Secretary
J. H. Thoreson
M. F. Peterson
J. O. Haugen
W. J. Hammond
C. O. Ettesvold
John W. Thieke

John Brainard
H. J. Berry
L. O. Sylvester
F. M. Shepherd
L. G. Solhaug
John B. Elsen

8257

Chapter 1.

NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS.

Section 1. Name and Boundaries. The City of Glenwood, in the County of Pope 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 Glenwood, with the same boundaries as now are or hereafter may be established. The district or territory constituting the City of Glenwood shall comprise the following lands situated in the County of Pope and State of Minnesota, viz: All of Section Twelve (12), The South half, and the Southeast quarter of the Northeast quarter of Section one (1), and the Government Lot One (1) of Section Thirteen (13) all in Township One Hundred twenty-five (125), Range Thirty-eight (38). All of Section Six (6) except the North half of the North half thereof, all of Section Seven (7) except the South half of the Southeast quarter thereof, and the West half of the Northwest quarter of Section Eighteen (18) in Township One Hundred Twenty-five (125), Range Thirty-seven (37).

Section 2. Powers of the City. The City of Glenwood, by and in its corporate name, shall have perpetual succession; and save as herein 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 law 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 municipal powers, functions, rights, privileges and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name it may take and hold, by purchase, condemnation, gift or devise, and lease and convey any and all such real, personal or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the County or 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 AND OFFICERS.

Section 5. Form of Government. The form of government established by this charter shall be known as the "Commission Plan". All powers of the City shall be exercised by the City Commission except as otherwise provided herein.

Section 6. Elective Officers. The elective officers of the City shall be a mayor, four commissioners, and two justices of the peace, all of whom shall be elected from the City at large. The mayor shall be elected biennially in odd numbered years for a term of two years. Two commissioners shall be elected biennially in odd numbered years for a term of four years, and two justices of the peace shall be elected biennially in odd numbered years for a term of two years.

The terms of all officers shall begin on the first Monday after the first Tuesday of January following the regular municipal election. All elective officers shall hold office until their successors are elected and have qualified.

Section 7. The Mayor. The mayor shall be the chief executive officer of the City, and shall exercise all the powers and perform all the 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 Commission any neglect, dereliction of duty or waste on the part of any officer or department of the City. The mayor shall be president of the Commission, and when present, shall preside at all its meetings. The vice president of the Commission shall perform the duties of Mayor during the absence or disability of the latter, and while so acting shall be known and styled as "acting mayor". In case of the absence or disability of both the Mayor and vice president of the Commission, the Commission may elect one of its own members as 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 vice president of the Commission shall become Mayor to fill the vacancy for the unexpired term, and the Commission shall appoint one of its members to the office of vice president of the Commission and fill the vacancy in the Commis-

sion as provided in section ten except in case of a recall when such vacancy shall be filled in the manner provided in this charter.

Section 8. Appointive Officers. The Commission shall appoint biennially at its first regular meeting in January following the general municipal election, a city clerk, treasurer, assessor, attorney, chief of police and chief of the fire department for a term of two years, provided, however, that the Commission may in its discretion appoint one person to perform the duties of any two of such offices in which no conflicting duties or functions exist. Such other officers and employees may be appointed from time to time as the Commission may determine or this charter may require. All appointive officers shall be selected for their special fitness for such offices and positions, and their duties shall be fixed by the Commission by ordinance or resolution.

Section 9. Incompatible Offices. No member of the Commission shall hold any paid municipal office or employment under the City; and until one year after the expiration of his term as Commissioner, 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 Commissioner.

Section 10. Vacancies. A vacancy in the Commission shall be deemed to exist in the case of the failure of any person elected to the Commission or to the office of Mayor to qualify on or before the date of the first regular meeting of the newly elected commission, removal from the City of such officer, continuous absence from the City for more than three months, voluntary resignation, conviction of a felony of such person whether before or after his qualification, or by reason of the failure of any such officer, without good cause, to perform any of the duties of his office for a period of three months. In each such case the Commission shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same for the balance of the unexpired term.

Vacancies in any other elective office shall be filled by the Commission after the adoption of a resolution declaring such vacancy.

Section 11. Salaries. The Mayor shall receive an annual salary of one hundred dollars payable quarterly. The Commissioners shall each receive the sum of five dollars for each meeting of the Commission at

which such officer is in attendance throughout its entire session, payable quarterly, provided however that no Commissioner shall receive in excess of sixty dollars in any one year. The other elective officers and all appointive officers and employees of the City shall receive such salaries or wages as may be fixed from time to time by resolution of the Commission.

Section 12. Boards and Commissions. The Commission shall be ordinance create a board of health of three members, who shall be appointed by the Commission for a term of four years. One member of the board shall be a physician duly licensed to practice medicine in the State of Minnesota, of good standing in his profession and who shall have been in active practice for at least three years. Such physician shall be the chairman of the board of health and styled "health officer". The members of the said board shall be residents and electors of the City at the time of their appointment and during their term of office. This board may be compensated for their services if the Commission so directs.

The members of the board of health shall have the same authority as police officers in enforcing the ordinances for the security of the public health of the City. The members of the board of health shall have all the authority and powers, and shall perform all the duties, granted to or imposed upon local boards of health by the statutes of the State of Minnesota insofar as the same are applicable to the City of Glenwood, and they shall enforce all rules and ordinance of the City relating to the public health.

In the event that a hospital is acquired by the City, upon direction of the Commission it may be placed under the control of the board of health.

The board of directors of the public library shall continue to be composed of nine members who shall hold office for a term of three years. The City Commission shall maintain the membership of the library board by filling all vacancies that may occur therein and by appointing three members annually to said board to succeed the members thereof whose terms expire during such year. The library board shall have exclusive control of the expenditure of all moneys collected for or placed to the credit of the library fund.

The Commission shall have the power by ordinance to create and to

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The Commission shall have the power by ordinance to create and to

appoint the members of such advisory boards and commissions as may be deemed necessary to advise and assist the Commission and the administrative officers of the City in matters relating to parks, city planning, sinking funds and such other affairs as the Commission may determine. The number of members of such advisory boards and commissions shall be determined by the ordinance creating the same, but the Commission shall not appoint more than one of its own members upon any one board created or authorized in this section. Such boards may be given the power to administer oaths and compel the attendance of witnesses, and the production of books, papers and other documentary evidence. The City Commission shall have the power and authority to provide for and limit the expenses of any advisory board or commission and may provide that such board or commission shall be given a reasonable period of time to report upon any project within the scope of its advisory powers prior to action thereon by the Commission.

The City Commission may remove any member of any board or commission herein authorized for misconduct or neglect.

Section 13. Investigation of City Affairs. The Commission and any officer or officers formally authorized by it, including any of the boards or commissions authorized under section twelve, shall have the power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The Commission may at any time provide for the examination or audit of the accounts of any officer or department of the city government by the State public examiner or by a professional accountant.

Chapter 3.

NOMINATIONS AND ELECTIONS.

Section 14. Election Districts. The commission shall in its discretion establish and from time to time divide, consolidate and rearrange election districts or precincts by ordinance or resolution according to the laws of this state. All changes made in districts . . . shall be made at least ninety days before the next ensuing election, and sixty days posted notice thereof shall be given before the change shall take effect.

Section. 15. The Regular Municipal Election. A regular municipal election shall be held on the first Tuesday after the first Monday in December of every odd numbered year at such place or places as the City Commission 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 the officers to be elected thereat, 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 Commission may ordain, but the failure to give such notice shall not invalidate such election. At each such election there shall be elected successors to all elective city officers whose terms are about to expire, and all elective officers required by law.

Section 16. Special Elections. The Commission may by resolution order a special election, fix the time for holding the same, and provide all means for holding such special election. The purpose of such special election shall be clearly stated in such resolution. The procedure at such elections shall conform as nearly as possible to that herein provided for regular municipal elections.

Section 17. Judges and Clerks of Election. The Commission shall at least ten days before each election appoint two qualified voters of each election district to be judges of the election, and two or more qualified voters to serve as clerks of the election in such district. The Commission may also in its discretion appoint relief judges and clerks as authorized by statute of the State.

Section 18. Nominations. 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 shall not have filed with the City Clerk a statement declining to be a candidate for said office at least twenty (20) days before said election. Such petition shall be signed by at least twenty-five (25) voters. No elector shall sign petitions for more candidates than the number of offices to be filled by the election, and should he do so, his signature on the petition last filed shall be void. All nominating petitions shall be filed with the City Clerk not less than fifteen (15) nor more than thirty (30) days before the election. No filing fee shall be required of any candidate for any elective office provided for in this charter.

Section 19. Nomination Petitions. The signatures to any nomination petition need not all be appended to one paper, but to each separate paper there shall be attached the affidavit of the circulator 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 house 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 Glenwood hereby nominate _____ 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 voters of the City and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

NAME

STREET AND NUMBER

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

Signed _____.

Subscribed and sworn to before me this _____ day of _____ 19____.

Notary Public

This petition, if found insufficient by the City Clerk shall be returned to _____ at No. _____ Street.

Section 20. Canvass of Elections. Immediately upon the completion of the counting of all ballots the judges of election shall certify to the City Commission a statement of the results of the election. The statement to the Commission shall include (a) total number of valid ballots cast for each candidate, with an indication of the person elected; (b) a true copy of the ballots used; (c) The number of spoiled ballots; (d) the names of the judges and clerks of election; and such other information as may seem pertinent.

The City Commission shall meet and canvass the election returns within three days after any regular or special election, and shall make full declaration of the results thereof without delay, and file a statement thereof with the City Clerk. The City Clerk shall forthwith notify all persons elected of the fact of their election.

Section 21. Procedure at Elections. The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter and the general laws of the State of Minnesota. In determining the results of municipal elections, as well as in all matters of election procedure not clearly and definitely prescribed by this charter or by ordinance, officials shall be governed by the rules laid down in the general statutes for the conduct of elections in this state.

Chapter 4.

PROCEDURE OF CITY COMMISSION

Section 22. Commission Meetings. On the first Tuesday after the first Monday in January following a regular municipal election, the City Commission shall meet at the City Hall in the City of Glenwood. At such meeting the newly elected members of the Commission shall assume their duties in office. Thereafter the Commission shall meet in a regular session on the first Tuesday of each month. Special meetings of the Commission may be called by the Mayor or any other member of the Commission upon at least six hours notice to each member stating the purpose of such meeting, which notice may be delivered either verbally or in writing, provided that special meetings may be held upon shorter notice when all the members of the Commission are present and unanimously agree to proceed with the transaction of the business for which the meeting was called.

All meetings of the Commission shall be public, and any citizen shall have access ^{to} ~~in~~ the minutes and records thereof at all reasonable times.

Section 23. Officers of the Commission. The Mayor shall be president of the City Commission. The Commission at its first regular meeting in January following each regular municipal election shall elect one of its members as vice president who shall preside at meetings of the Commission in the absence or disability of the Mayor.

The City Clerk shall be the secretary of the Commission and shall 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 the majority of the Commission.

Section 24. Rules of Procedure and Quorum. The Commission 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 Commission shall provide by ordinance or resolution, for fines, forfeiture of pay or otherwise, a means by which to compel the attendance of absent members.

Section 25. 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 is less than that sum, and save also that licenses may be granted, property acquired for public uses, and local improvements ordered, by resolutions. 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 of the Commission shall be recorded in the minutes. The votes of at least three members shall be required for the passage of ordinances, resolutions and motions, except as otherwise provided in this charter.

Section 26. Procedure of Ordinances. The enacting clause of all ordinances shall be in the words, "The City of Glenwood does ordain". Every ordinance shall be presented in writing. No ordinance except an emergency ordinance, shall be introduced except at a regular meeting, at which meeting it shall have its first reading. Its second reading shall take place at some adjourned meeting or subsequent regular meeting occurring not less than one week after its first reading. Such ordinance may be passed immediately after its second reading; and no ordinance except an emergency ordinance shall be passed until it shall have had two separate readings as herein provided.

Section 27. 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 of the Commission.

Section 28. Emergency Ordinances. An emergency ordinance is an ordinance 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 Commission as recorded by "ayes" and "noes". All emergency ordinances shall be in writing but may be enacted and become effective without previous filing or publication. No grant of any franchise shall be construed to be an emergency ordinance.

Section 29. Signing and Publication of Ordinances and Resolutions. Every ordinance or resolution passed by the Commission shall be signed by the Mayor and attested by the City Clerk, and by the latter recorded in a book of ordinances and preserved. Every ordinance and resolution shall be published once in the official newspaper of the City within fifteen days after its passage by the Commission; provided, that any code or codification or part or parts thereof, prepared

for general or stated distribution as a model or otherwise, and which is published in printed form, may be adopted by the City Commission, and all publication requirements thereof shall in all respects be satisfied by reference thereto in an ordinance or resolution duly adopted and published in regular form, without further posting or publishing thereof; provided, also, that no less than three copies of such code shall be marked "Official Copies" and filed for examination and use by the public in the office of the City Clerk prior to the adoption thereof.

Section 30. 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 Commission shall take effect seven days after their publication unless a later date is fixed therein, in which event they shall take effect at such later effective date. Ordinances and resolutions adopted by the electors of the City shall take effect at the time fixed therein, or, if no time is designated therein, then immediately upon the adoption thereof.

Section 31. Amendment, Repeal and Codification of Ordinances. Any ordinance or resolution, or complete chapter or section thereof, may be repealed by a vote equal to the ^{at} required for its passage, and may in such repeal be designated by number and title and any other words sufficient to identify the item involved. In the case of amendments to any ordinance or resolution, the section amended shall be set out in full as amended together with the proper description thereof. When a complete codification or revision of ordinances is made, one repeal ordinance to become effective upon adoption may be adopted to effect the repeal of all ordinances or parts of ordinances intended to be repealed, and such codification or revision may be published by printing such ordinance in the official newspaper or by filing a typewritten copy thereof in the office of the City Clerk and publishing a notice that such a revision has been made and that a copy thereof is on file in the office of the City Clerk for public inspection.

Chapter 5.

INITIATIVE, REFERENDUM AND RECALL.

Section 32. Powers Reserved by the People. The People of the City of Glenwood reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt ordinances, to require measures passed by the City Commission to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be known as the initiative, referendum and recall respectively.

Section 33. Expenditures by Petitioners. No member of any initiative, referendum or recall committee, nor any circulator of any petition paper and no signer of any such paper, or any other person shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the Committee from incurring an expense not to exceed twenty dollars (\$20.00) for legal advice, stationery, copying, printing and notarial fees. Any violation of any of the provisions of this section shall constitute a misdemeanor.

Section 34. Further Regulations. The City Commission may provide by ordinance such further regulations for the initiative, referendum and recall as may be deemed necessary and which shall not be inconsistent with this charter. Such ordinances shall include the relevant provisions of the charter.

Section 35. Initiation of Measures. Any five electors may form themselves into a committee for the initiation of any ordinance of public concern. After formulating their measure they shall file a verified copy thereof with the City Clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed measure to each of the signature papers herein described together with their names and addresses as sponsors thereof.

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 thereto attached. Such petition shall not be considered complete unless signed by a number of voters equal to at least fifteen percent of the total number of votes cast for the office of Mayor at the last preceding regu-

lar municipal election. All the signatures on the petition need not be on one paper, but the circulator of 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 substantially in the following form:

INITIATIVE PETITION

Proposing an ordinance to (stating the purpose of the measure), a copy of which ordinance 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 City Commission 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, hereinabove mentioned.

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 equal to at least fifteen percent of the total number of votes cast for the office of Mayor at the last preceding regular municipal election. In determining the number of signatures no legal voter's signature shall be excluded because of the failure of such elector to vote at such last municipal election. If the clerk finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his findings.

The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period it is found to be still insufficient or irregular, the Clerk shall file the same in his office and shall notify each member of the committee of that fact. The final finding of insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the commission from referring the measure to the electors at the next regular or any special election at its option.

Section 38. Action of Commission on Petition. Whenever the petition shall be found to be sufficient, the City Clerk shall so certify to the Commission at its next regular meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the Commission shall at that meeting read the measure and provide for other readings thereof and public hearings thereon after which the Commission shall act upon the measure not later than sixty-five days after the date upon which such measure was submitted to the Commission by the City Clerk. If the Commission 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 Commission 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 (20) percent of the total number of votes cast for the office of Mayor at the last regular municipal election, then the Commission shall call a special election upon the measure, to be held not less than thirty days nor more than forty-five days from such date, unless a regular municipal election is to occur within ninety days, in which case it may be submitted at such regular municipal election. In the event that the Commission 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 certificate filed with the City Clerk within ten days after the passage thereof by the Commission, 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" 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 of the City. Any number of proposed measures may be voted upon at the same election, but in case there is 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 to in any way affect the right of the electors, under the constitution and statutes of the State of Minnesota, to propose amendments to this charter.

Section 41. The Referendum. If prior to the date when an ordinance shall take effect a petition signed by qualified electors of the City equal to twenty percent of the total vote cast for the office of Mayor at the last regular municipal election be filed with the City Clerk requesting that such measure, or any part thereof, be repealed or be submitted to the vote of the electors, then the said measure shall thereby be prevented from going into operation. The Commission shall thereupon reconsider the said measure at its next regular meeting, and either repeal the same or the section thereof to which objection has been raised by the petitioners, or by "aye" and "no" vote reaffirm its adherence to the measure as passed. In the latter case the Commission shall immediately order an election to be held thereon, pending which the ordinance shall remain suspended. If a majority of the voters who vote thereon are opposed to the measure it shall not become effective; but if a majority of such voters vote in favor of the measure it shall go into effect immediately or on the date therein specified.

Section 42. Referendum Petitions. The requirements laid down in sections 36 and 37 above as to the formation of committees for the initiation of measures and as to the form of petition and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. Every referendum petition shall be substantially as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to the City of Glenwood, a copy of which ordinance is hereto attached. This proposed repeal is

sponsored by
the following committee of electors:

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

The undersigned petitioners, understanding the nature of the measure hereto attached, and believing it to be detrimental to the welfare of the City, petition the Commission for its submission to a vote of the electors for their approval or disapproval:

Name	Address
1.
2.
3.

This petition shall be signed and verified as provided in the case of the initiative petition in section 36 above.

Section 43. Referendum Ballots. The ballots used in any referendum election shall conform to the requirements and rules prescribed in section 39 of this charter governing the preparation and use of ballots for the initiative.

Section 44. The Recall. Any five electors of the City may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words, and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper, and no signature paper shall be put into circulation previous to such certification.

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 together with all the signature papers and the affidavits thereto attached. The signatures need not all be on one 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

substantially in 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, as required by the provisions of this section.

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 fifteen percent of the total number of votes cast for the office of Mayor at the last preceding regular municipal election, he shall notify the committee thereof. The committee shall then have ten days in which to file additional signature papers and to correct the petition in all other respects, but the statement of the grounds upon which the recall is sought shall not be altered. If at the expiration of the ten days the Clerk finds the petition still insufficient or irregular, then shall he notify all the members of the committee of such fact and shall file the petition in his office and 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 City Commission without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending proceedings. The Commission shall at its next regular meeting thereafter, by motion, provide for the holding of a special recall election not less than thirty nor more than forty-five days after such petition has been presented to the Commission; provided that, if any other municipal election is to occur within sixty days after such meeting, the City Commission may in its discretion provide for the holding of such recall election at the time of such other election.

Section 48. Procedure at Recall Election. In the published call for the election there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer, if any, of the officer concerned in justification of his course and conduct 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 Recall Ballot. Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the commission of the completed recall petition, the form of the ballot at such election shall be, as near as may be, as follows: "Shall "A" be recalled?", the name of the officer whose recall is sought being inserted in the place of "A", and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of "A", if recalled". But the officer whose recall is sought shall not himself be a candidate upon such ballot. In case a majority of those voting for and against 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 Commission 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 the regular municipal election.

Chapter 6.

ADMINISTRATION OF CITY AFFAIRS.

Section 50. Departments of Administration. The City Commission shall exercise 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 by this charter, subject to the provisions of this charter and any regulations or ordinances consistent therewith. The Commission may create such departments, divisions and bureaus for the administration of the City's affairs as it may deem necessary for efficient government, and from time to time may alter the powers and organization of the same. For the better administration of city affairs, the Commission, by a vote of not less than four-fifths of its members, may adopt an ordinance consolidating the administrative work of the City under one department and place all such work under the supervision of a city manager who shall be appointed by the Commission. Such manager, when appointed, shall become the chief administrative and financial officer of the City. He shall be selected for his ability and training and special fitness and need not be a resident of the City or State, but shall be a citizen of the United States.

When a manager shall be appointed his powers and duties as such officer, subject to the provisions of this charter, shall be:

(a) To cause the enforcement of the provisions of this charter and of all laws, resolutions and ordinances appertaining to the City.

(b) To appoint, except as herein otherwise provided, all subordinate officers and employees in the departments placed under his control; exercising due care to make such appointments solely upon the merit and fitness of the appointee.

(c) To exercise control over all departments and divisions of the City administration which may hereafter be created by the Commission and which may be transferred to his department by ordinance.

(d) To attend all meetings of the Commission, with the right to participate in the discussions but he shall not vote upon any question; provided, however, that the Commission may at its discretion exclude him from meetings at which his removal is considered.

(e) To recommend to the Commission for adoption such measures as

he may deem necessary for the welfare of the people and the efficient administration of the City's affairs, and to assume all advisory and administrative duties otherwise assigned to the City Clerk.

(f) To keep the Commission fully advised as to the financial condition and needs of the City, and to prepare and to submit to the Commission the annual budget.

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

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

When the city manager plan is adopted as permitted under the provisions of this charter it shall not then be discarded except upon an initiative or referendum vote in the manner as provided in Chapter 5 of this charter.

Section 51. Powers and Duties of the Commission. The Commission shall make all necessary rules, regulations and appointments to office including the offices of the chief of police and members of the police department as herein required. All employees and subordinate officers shall attend commission meetings when required to do so by the Commission; they shall keep the Commission fully informed as to the operation and needs of their various departments, and shall perform all other duties required by this charter. Employees appointed by the Commission shall be removed by it only for sufficient cause after giving such appointee a fair hearing.

Section 52. Purchases and Contracts. The City Clerk shall be the chief purchasing agent of the City. All purchases on behalf of the City shall be made, and all contracts let, by the City Clerk under the direction and with the approval of the Commission. All contracts, bonds and instruments of every kind to which the City shall be a party shall be signed by the Mayor and City Clerk or the city manager in the capacity of City Clerk and shall be executed in the name of the City.

Section 53. Contracts. How Let. In all cases of work to be done by contract, or of the purchase of personal property of any kind wherein the amount exceeds five hundred dollars, unless the Commission

shall by an emergency ordinance otherwise provide, the Clerk shall advertise for bids in such manner as may be prescribed by the Commission. Contracts of this magnitude shall be let only to the lowest responsible bidder; provided that in the case of expenditure of surplus funds of the water and light department for extensions and expansion when such amount does ^{not} exceed two thousand dollars, no bids shall be required. Detailed regulations for the making of bids and the letting of contracts shall be provided by ordinance, subject to the provisions and limitations of this charter.

Chapter 7.

TAXATION AND FINANCE.

Section 54. Commission to Control Finances. The Commission 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 all public moneys belonging to the City, and in the exercise of a sound discretion shall make appropriations for the payment of liabilities and expenses.

Section 55. Fiscal Year. The fiscal year of the City shall end each year on the 31st day of December.

Section 56. System of Taxation. Subject to the State Constitution, and except as forbidden by it or by State legislation, the Commission 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 its ordinances and regulations as fully as possible to the general state laws with respect to the assessment of such property and the collection of taxes.

Section 57. Board of Equalization. The Commission shall constitute a board of equalization and shall meet as such in the usual place for holding Commission meetings on the fourth Monday in June of each year to review, amend and equalize the assessments on the roll of the city assessor. Each commissioner so serving shall receive four dollars (\$4.00) for each day of actual service for not to exceed five days in any one year.

Section 58. Preparation of Annual Budget. The City Clerk shall receive and prepare the estimates for the annual budget. The estimates shall be arranged for each department or division of the City's affairs 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 of all items as compared with the previous year shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the last 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 revenue which has 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 revenue to be derived during 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 seven copies, one for the Mayor and each member of the Commission, one for the City Clerk and one to be posted on the official bulletin board at the City Hall. The estimates shall be submitted to the Commission at its first regular meeting in September of each year. The Commission may require with the estimates such explanatory statement or statements as it may deem necessary.

Section 59. Passage of Budget. The budget shall be the principal item of business at the regular monthly meeting of the Commission in September, and the Commission shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard and an opportunity to make pertinent inquiries. The budget estimates shall be read in full, and the City Clerk shall explain the various items thereof as fully as deemed necessary by the Commission. The annual budget finally agreed upon shall be set out in a resolution determining the financial program for the City for the ensuing fiscal year. It shall indicate the sums to be raised and the sources thereof, and the sums to be spent and for what purposes, according to the plan indicated in Section 58. The total sum appropriated shall be less than the total estimated revenue

by a safe margin. The Commission shall adopt the budget resolution not later than the first Tuesday of October in any year.

Section 60. Enforcement of Budget. It shall be the duty of the Commission to enforce strictly the provisions of the budget resolution. It shall not approve any expenditure unless an appropriation has been made in the budget, nor for any expenditure provided for in the budget unless there is a sufficient unexpended balance remaining in the budget allowance to pay the same after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the City shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation incurred by any person in the employe of the City for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 61. Alterations in the Budget. After the budget shall have been duly adopted, the Commission shall not increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein and for no other. The Commission may at any time by resolution passed by four-fifths vote, reduce the sum appropriated for any purpose, or authorize the transfer of the unexpended balance thereof to be used for other purposes.

Section 62. Levy and Collection of Taxes. On or before the first Tuesday of October of each year the Commission shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The City Clerk shall transmit to the County Auditor annually, not later than the tenth day of October a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as State and County taxes. No tax shall be invalid because of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purposes for which the same is levied, but in that case the surplus

shall go into the fund to which such tax belongs.

Section 63. Tax Settlement with County Treasurer. It shall be the duty of the City Treasurer to cause all moneys coming into the County treasury for City purposes to be promptly transferred to the City and its depositories according to law.

Section 64. Disbursements. How Made. No disbursement shall be made from the City treasury except upon an order signed by the Mayor and City Clerk, duly authorized by the City Commission, and every such order shall specify the purpose for which the disbursement is made, and indicate the proper fund from which it shall be paid. Each such order shall be directed to the bank designated as the City depository which shall pay the amount thereof to the order of the person in whose favor the order is drawn. No such order or check shall be issued until there is money to the credit of the fund out of which the check is to be paid, sufficient to pay the same together with all the then outstanding encumbrances upon such fund. Any order for the payment of money violating the provisions of this section shall be void, and any officer of the City who violates any of the provisions of this section shall be personally liable for any moneys so paid out. 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 the contract. No claim against the City shall be allowed unless accompanied by a verified itemized bill and voucher, payroll or time sheet signed by a responsible officer who has personal knowledge of the facts in the case and vouches for the correctness of the claim. The Commission may by ordinance make further regulations for the safe keeping and disbursement of the City's funds.

Section 65. Funds to be Established. There shall be maintained in the City treasury the following funds as receiving and disbursing funds as provided herein:

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

(b) A sinking fund for the purchase, or payment when due, of any bond or any debt of the City. The Commission shall levy an annual tax sufficient to meet all such obligations as they become due for

this fund, except in cases where the payment of such obligations is otherwise provided for. Surpluses in this fund may be invested from time to time by the sinking fund committee, composed of the Mayor, the Commissioner of Finance, City Clerk, City Attorney and a fifth person elected by the City Commission, in bonds or certificates of the United States or of the State of Minnesota, or any other state of the United States, the bonds of any city in the State of Minnesota, in such county or school bonds of Minnesota as may be approved by the sinking fund committee and the City Commission, or in such other bonds as are permitted for the investment of the permanent school fund of the State of Minnesota; provided that no bonds of any city or county wherever situated shall be purchased when the taxes on fifteen or more percent of the taxable property in such city or county are delinquent for one or more years; nor shall the bonds of any state or political subdivision thereof which has defaulted in the payment of any of its obligations within fifty years from the date of such anticipated purchase be purchased. The money in the sinking fund may be invested in the bonds of this City, but such bonds shall not be purchased for more than par value. When bonds of the City are purchased, they shall not be cancelled, but shall be held by the sinking fund committee and the interest thereon paid over and applied to the sinking fund. Whenever the principal of any of the bonds of the City shall become due, the sinking fund committee shall, with the consent of the Commission, dispose of such of the bonds belonging to the sinking fund as shall be necessary to pay the bonds so to become due.

(c) A public utility fund or funds for the acquisition, construction, extension, maintenance and operation of any public utility or activity owned or operated by the City in a proprietary capacity including the payment of any interest of any bonds or any other indebtedness which may be a lien upon such utility or activity. There shall be paid into this fund all moneys derived from the sale of bonds issued on account of any utility, and the operation of such utility, and from the sale of any property acquired for, or used in connection with any 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 the 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 or activity operated separately; and in case two or more utilities are operated together, the funds and accounts shall be kept separate as far as practicable.

(d) A public works fund which may be divided into two separate divisions having the status of funds, for the maintenance and repair of streets, alleys and highways of the City, and for the operation, maintenance and repair of sewers and drainage systems. Into this fund shall be paid all fees for sewers or for making sewer connections and such taxes as the Commission shall levy for that purpose.

(e) A permanent improvement fund for the payment of the cost of all real property which the City shall acquire, payment for which is not otherwise provided for, and for the payment of such proportion of the cost of local improvements as shall devolve upon the City.

(f) A public safety fund which shall be divided into three separate divisions having the status of funds, for the separate maintenance and support of the police, fire and health departments.

(g) A library fund for which there shall be levied annually a sum not less than one thousand dollars (\$1,000.00) and not to exceed three (3) mills on each dollar of taxable property in the City of Glenwood for the operation and maintenance of the public library. Into this fund shall be paid all gifts and devises made for the support of said library.

(h) A permanent improvement revolving fund, which shall be used to finance local improvements that are to be paid for, in whole or in part, from special assessments against benefited property. There shall be paid into this fund (1) collections of special assessments, with interest, levied against benefited property; (2) proceeds of bonds or certificates of indebtedness sold by the City in anticipation of assessment collections and the proceeds of interfund loans; (3) amounts from other City funds representing either (a) apportionments of costs against the City at large, (b) benefit assessments against City property, or (c) appropriations to maintain the integrity

of the fund. There shall be paid out of this fund: (1) all the expenses and costs of the improvement projects that are financed through the fund; (2) the redemption of all revolving fund bonds and/or certificates of indebtedness, with interest, at or before maturity, and any interfund loans; (3) transfers to the general fund of any unencumbered surplus of the fund, in the discretion of the Commission; and (4) abatements of assessments and refunds of receipts in error. The Commission shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition shall create and maintain in the fund a cash reserve of \$500. for working capital purposes. In order to anticipate the collection of installment assessments, the Commission may, by a majority vote, issue and sell bonds and/or certificates of indebtedness, pledging the full faith and credit of the City, in such amounts and maturities as it may determine, regardless of the provisions of Section 70 herein; provided that the aggregate of such bonds and notes outstanding at any time shall not exceed the sum of the following assets of the fund: (1) cash in excess ~~of~~ \$500.; (2) all assessments levied and uncollected; and (3) assessable cost of work in progress. In order that the fund may be administered on a self-sustaining basis, all improvement projects financed through it shall upon completion be certified by the City Clerk as to the total costs, which shall thereupon be apportioned by the Commission either as assessments against benefited property or as amounts due from other city funds. Amounts apportioned against other City funds shall be due not later than the adoption of the corresponding assessment rolls, shall be charged interest as in the case of assessments and shall be paid into the fund, with any interest due, not later than one year after the due dates.

(1) A general fund for the payment of such expenses of the City as the Commission may deem proper and as are not provided for in any other fund of the City. Into this fund shall be paid all moneys not herein otherwise allocated to other funds.

Section 66. Receipts to be kept by City Treasurer. All receipts of money belonging to the City, or any department thereof, excepting only those funds collected by the county treasurer and as hereinafter otherwise provided, shall be delivered to the city treasurer by the person authorized to receive the same without unnecessary delay. All

such moneys, and also all moneys received upon tax settlements from the county treasurer shall be deposited as soon as received in the bank or banks designated by the Commission as city depositaries. Any person in the employ of the City who shall wilfully fail to observe the provisions of this section shall be liable to be suspended or dismissed from his office or position if after a proper hearing upon the matter the Commission shall so determine.

Section 67. Accounts and Reports. The City Clerk, or the City Manager, shall be the chief accounting officer of the City and the various departments thereof. The Commission may prescribe and enforce proper accounting methods, forms, blanks and other devices consistent with law, the ordinances of the City and the provisions of this charter. The Clerk shall submit to the Commission, each month, a statement disclosing 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 Commission may require. Once each year, on or before the regular monthly meeting of the Commission in February the City Clerk shall make a report reviewing the entire financial operations of the City for the preceeding year to the Commission. Such report shall disclose the actual total receipts and actual expenditures with a statement of the cash balances at the beginning and close of the last fiscal year; 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 with the due date of each, the amount of new bonds issued and the amount redeemed and the rates of interest thereon; the condition of all the annual budget allowances; and an inventory of all the property owned by the City; and such other information as the Commission may require and which will furnish full information concerning the City's financial condition.

Section 68. Bonded Debt and Debt Limitations. In addition to all the powers in respect to borrowing money, and with reference to the issuance of bonds and certificates of indebtedness specifically or impliedly granted by this charter, and any amendments thereto, the

City of Glenwood shall have all the powers relative to these subject matters granted to cities of the fourth class by chapter 10 of Mason's Minnesota Statutes for 1927, and the acts of the State Legislature amendatory thereof and supplementary thereto. The City shall also have the power, any provisions of this charter to the contrary notwithstanding, to issue and sell its bonds to the State of Minnesota or the United States, and to comply with all of the provisions of the law relative to loans to municipalities from the permanent State funds.

No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiencies in the revenues allotted for the payment of current expenses; but bonds may be issued by a four-fifths vote of the Commission, approved by a majority of the electors of the City voting thereon at a general or special election, for the purchase of real estate, for new construction, for new equipment, and for all improvements of a lasting character, including public utilities. The total bonded debt of the City shall not exceed ten percent of the last assessed valuation of the taxable property therein, excluding moneys and credits. In computing the total bonded debt, certificates of indebtedness or bonds issued before or after the adoption of this charter shall not be included if (a) held in a sinking fund maintained by the City; or (b) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement water, light, gas, heat and power plants or any other public convenience from which revenue is or may be derived, owned and operated by the 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 parks, streets or other public projects, to the extent that they are payable from the proceeds of assessments upon property especially benefitted by such improvements; or (c) issued for the creation or maintenance of a permanent improvement revolving fund; or (d) for the purpose of anticipating the collection of general taxes for the year in which issued.

Section 69. Form and Repayment of Bonds. All bonds issued by the City shall be in consecutively numbered series. An equal amount of

each series shall fall due each year as near as may be practicable. No bonds shall be issued for a longer term than the reasonable life expectancy of the property or improvement for which the bonds were authorized, as ascertained and set forth in the ordinance authorizing such bonds; nor to be issued for a longer term than twenty years in any case. The purposes for which bonds are authorized shall be set forth in the ordinance authorizing their issuance, and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the City Clerk to include in his estimates each year a sum or sums amply sufficient to pay the principal of, and the interest on any bonds which are to fall due during the ensuing fiscal year, and another sum sufficient to pay the interest for the same year on the bonds which will be outstanding. It shall be the duty of the Commission, enforceable by mandamus upon the suit of any bond holder or taxpayer, to include such sum or sums as may be necessary for this purpose in the annual budget.

Section 70. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should, from some unforeseen cause, be insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, then the Commission may authorize the sale by the City Treasurer of emergency debt certificates to run for a period not to exceed one year and bear interest at not more than the legal rate. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by four-fifths of the members of the Commission; the ordinance may, if deemed necessary, be passed as an emergency ordinance.

Section 71. Tax Anticipation Certificates. For the purpose of providing necessary funds to meet authorized expenditures prior to the collection of the taxes payable in the current year, the Commission may issue certificates of indebtedness, to be repaid out of such taxes, on such terms and conditions as it may determine; provided that such certificates outstanding at any one time shall not exceed forty percent of the current year's tax levy belonging to the fund for the benefit of which the borrowing is authorized; and provided

further that such certificates shall be repaid on or before December 31st of the year in which they are issued and shall be void thereafter.

Section 72. Bonds Outside the Debt Limit. The Commission may by an affirmative vote of all 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 one time: (a) for the creation and maintenance of a permanent improvement revolving fund, not to exceed ten thousand dollars; (b) for extending, enlarging or improving water, lighting, gas, heat and power plants, 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 ten thousand dollars; (c) for public improvements payable from special assessments, without limit as to amount, except the amount of such special assessments previously levied.

Chapter 8.

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Section 73. The City Plan. The City Commission shall, with the assistance of an engineer and an advisory city planning commission, if either or both be appointed by the City Commission, and such other service that it may deem necessary, prepare and adopt by ordinance a complete plan for the physical development of the City. Such plan may be altered from time to time in the same manner. The plan 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 in the City; and may make varied regulations for the different districts thereof; and may include provisions for platting and development of new areas, for the planning and location of public works of art, public buildings, parks, playgrounds, bridges, transportation lines and other public facilities, and for the laying out, grading and improving the streets, streams and public places, as well as for all other matters which may seem essential to such plan.

Section 74. Enforcement of the City Plan. The City Commission shall have all necessary power to compel complete adherence by all persons to the plan adopted and all officers are charged with the duty of reporting to the City Commission all departures from the City plan which come to their attention.

Section 75. Power to Make Improvements and Levy Assessments. The City of Glenwood shall have the power to make any and every type of improvement not forbidden by the laws of the State, and to levy special assessments for all such as are of a local character. The amounts assessed against benefitted property to pay for local improvements may equal the cost of the improvements plus the necessary incidental expenses with interest until paid, but shall in no case exceed the value of the benefits resulting to such property.

Section 76. Local Improvement Regulations. After this charter takes effect all local improvements shall continue for the time being, to be made under the laws and ordinances applicable thereto. The Commission shall prepare and adopt a comprehensive ordinance, prescribing the procedure which shall determine all matters pertaining

to the making of local improvements thereafter, and such ordinance shall supplant all other provisions of law on the same subject and may be amended only by a four-fifths vote of all the members of the Commission. Such ordinance shall provide for such notice and hearing in the ordering of improvements and the making of assessments therefor as shall be necessary to meet constitutional requirements. Such ordinance shall also require a petition of a majority in number and interest of the owners of property to be assessed for such improvement for the initiation thereof; provided that the Commission may proceed upon its own initiative hereunder and under such ordinance by resolution adopted by unanimous vote of the Commission after a proper notice and hearing.

Under this charter no cost of the improvement of street intersections or improvements lying therein or thereupon nor for more than one-half of the cost of the improvements located opposite to any property owned by the City shall be assessed upon benefited property, but the City shall pay such costs from taxes through the permanent improvement fund.

Section 77. 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 one thousand dollars, directly by day labor. Before receiving bids the City Clerk shall, under the direction of the Commission, have suitable plans and specifications prepared for the proposed material or project and the estimate of the cost thereof in detail. The award of any contract amounting to more than ten thousand dollars shall require a four-fifths vote of the Commission. When the best interests of the City will be served thereby, the City Commission may organize a construction department under competent supervision and provided with suitable equipment. The right is reserved to the City Commission, upon the recommendation of an engineer, 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 term "lowest responsible bidder" shall be interpreted as giving the Commission the right to accept any bid which it determines to be most advantageous to the City. The Commission shall reserve the right to reject any or all bids. Detailed proceedings governing the adver-

tisement for bids and the execution of the contract shall be prescribed by ordinance. The City shall require contractors to furnish proper bonds for the protection of the City, the employees and material men.

Chapter 9.

EMINENT DOMAIN.

Section 78. Power to Acquire Property. The City of Glenwood is hereby empowered to acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the 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, or telephone 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 a vote of the people made provision for paying for the property proposed to be acquired. Easements for slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase or condemnation in the manner provided by law.

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

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

Section 81. City May Abandon Proceedings. The City may, by resolution of the Commission at any stage of the condemnation proceed-

inss, or within thirty days after any commissioners appointed by the court herounder 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 82. City May Take Entire Plant. In case the City shall condemn a public utility which is operated at the time of the commencement of condemnation proceedings as one property or one system, it shall not be necessary in such condemnation proceedings or any of the proceedings of the Commission, 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, but all 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 on condemnation be made by the Commissioners or other body assessing the damages. But this shall not prevent the City, in cases where the plant and property is separable into distinct parts, from taking only such part as may be necessary in the public interests.

Chapter 10.

FRANCHISES.

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

Section 84. Franchise Ordinances. The Commission may grant franchises by ordinance adopted by a four-fifths vote, but no ordinance granting a franchise for a longer term than two years shall be valid and binding upon the City until the same shall have been ratified by a majority of all the votes cast at a special election held for that purpose, or at the first general municipal election following its passage, and 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 the streets and public places. All corporations, co-partnerships or persons desiring to make an especially burdensome use of the streets and 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 any street or other railways, or for telephoning or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing 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 85. Term of Franchise. No perpetual franchise shall ever be granted, nor shall any franchise be granted for a longer term than twenty years. An exclusive franchise may be granted upon a unanimous vote of the City Commission, subject to the provisions of Section 84 hereof, except as to the vote required by the City Commission.

Section 86. Power of Regulation Reserved. All franchises shall be granted subject to the police power of the City, and the City shall have the right and power to regulate and control the exercise by any person, corporation or co-partnership, of any franchise however acquired, and whether such franchise has been heretofore grant-

ed, or shall hereafter be granted, by the City or by the State of Minnesota.

Section 87. 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 franchise holder 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 franchise holder for service rendered to the City or to any person or persons within the City shall be made, if possible, by direct negotiations between the franchise holder and the City Commission at public hearings. In case of failure to reach an agreement by this method, the Commission shall, not less than thirty days before the expiration of the existing rate schedule or agreement, appoint an expert as its representative; and the franchise holder shall appoint a representative; these two representatives 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 franchise holder may, by mutual agreement, revise existing schedules of rates at any time, proceeding in each case as herein provided.

Section 88. 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 City Commission interferes or threatens to interfere with the service to which the City or its inhabitants are entitled, the Commission 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 89. Conditions in Every Franchise. Every franchise which does not contain the provisions proscribed in this section shall be absolutely void and incapable of ratification by estoppel or otherwise. Every franchise shall contain the following provisions: (a) That the grantee shall be subject to and will perform on its part all the terms of sections 83 to 90, inclusive, as well as all other pertinent provisions of this charter. (b) That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates and charges; but that such fares, rates and charges shall at all times be just, fair and reasonable for the services rendered and shall in all cases be fixed and from time to time changed in the manner provided in section 87 of this charter. (c) That the City Commission 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 City Commission may require, which bond shall run to the City as obligee, with sureties satisfactory to the Commission, 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 on the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Commission shall have the power to require such alterations therein, or relocation or rerouting thereof, as the Commission 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 City Commission and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the City until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of, and consent to, all the terms, conditions and limitations contained in the ordinance granting the franchise as well as of the provisions of this charter. (h) Every franchise shall be granted subject to the right of the City to acquire all rights and property thereunder within the city limits by eminent domain as provided in Chapter 9 of this charter.

The violation by the holder of any franchise of any of the express provisions prescribed by this section, or a failure to supply a reasonably adequate service under any franchise, shall be a sufficient cause for the forfeiture of all rights under such franchise by a resolution of the City Commission.

Section 90. Limitations. The enumeration in this charter of particular matters which must be included in every franchise shall not be construed as limiting the right of the City to insert in such franchise such other and further conditions and restrictions as the City Commission may deem necessary or proper to protect the City's interests; nor shall anything contained in this charter limit the right or power possessed by the City over existing franchises.

Chapter 11.

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES.

Section 91. Acquisition and Operation of Utilities. The City shall have the power to acquire public utilities as provided in Chapter 9 of this charter, or may purchase or establish the same, either within or without the city limits and to supply the City and sell to its inhabitants and to persons, firms or corporations, inside or outside the City, within the area permitted by law, all products of any public utility operated by the City.

Section 92. Utility Commission. The control, managements and operation of all utilities authorized under this charter shall be and remain in a utility commission, composed of three members appointed by the City Commission. The members of such commission shall be residents and freeholders of the City and shall have been such for five years prior to their appointment. Annually after such commission has been appointed and organized the City Commission shall appoint one member to the utility commission to take office on the first business day of January to replace the member whose term expires at that time. No appointments shall be made to the utility commission except by the affirmative vote of four members of the City Commission; and all members so appointed shall hold office until their successors are appointed and qualified, and before entering upon the duties of their office each member shall give bond to the City conditioned upon the faithful performance of their respective duties. Members of the utility commission shall receive a salary equal to the compensation paid to members of the City Commission.

The utility commission shall provide for its own organization, and may employ such accountants, bookkeepers, engineers and other assistants as it may deem necessary for the operation of all utilities and provide for the compensation of such employees. This commission in its discretion shall fix the amount and conditions of the bonds required of its employees for the faithful performance of their duties.

Section 93. Responsibility for Service of Utilities. The owner, lessee and occupant of ~~any~~ ^{ANY} premises shall be liable to the City for rents, rates, charges and deposits to assure payment for the services to such premises in the City by any municipally owned utility, and

the same may be recovered in a personal action against any of such persons after notice and discontinuance for non-payment. In the case of rents and charges for water the Utility Commission shall have the power to declare them a lien upon the property whereon such water is used and to require the City Clerk to certify such unpaid charges to the County Auditor for collection in the manner and at the time that taxes are collected, in lieu of collection thereof by personal action.

Section 94. Rates and Finances. The Utility Commission shall have the power to fix all rates and charges and shall require deposits to assure payments for water, light, gas, heat and all other utilities furnished and supplied by plants or systems owned by the City, but such rates and charges shall be just and reasonable. The rates shall be such as will provide sufficient revenue to pay all operating costs of the respective utility and all bonds and interest constituting a charge against such utility when the same mature; and thereafter the rate shall remain sufficiently high to assure the accumulation of a sum sufficient to reproduce or renew the plant or system at the estimated time when such renewal or reproduction will be necessary or expedient. Receipts of the utilities shall be paid into the City Treasury and placed in a separate fund. Any surplus in the fund so created, or any part thereof, may be transferred to the General Fund of the City or may be invested in any interest-bearing securities available for the investment of sinking funds of cities under section 9 of Chapter 131 of the Laws of Minnesota for 1927 for the general use of the City. The Commission may also prescribe the time and manner in which water, heat, gas, electric current and any other utility product supplied by plants owned or operated 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 the violation of such regulations.

Section 95. Purchase in Bulk. The City Commission 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 96. City to Pay for Services. The City Commission shall include an item in its budget yearly to pay a reasonable charge, based upon the cost of service, for lighting streets and public

buildings and for heat, gas, power or any other utility supplied to the City including a reasonable hydrant rental and charges for water used, all of which shall be credited to the publicly owned utility which supplies the service.

Section 97. Lease of Plants. The City Commission 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 rental 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 Commission and subject to popular referendum, as required by section 1865 of Mason's Minnesota Statutes for 1927. The contractor shall be subject as far as possible to the rules as to rates and service, and as to control by the Commission laid down for the holders of franchises in Chapter 10, of this charter.

Section 98. Sale or abandonment of Publicly Owned Utilities. No public utility owned by the City, whether acquired prior to the adoption of this charter or thereafter, shall be sold or abandoned, in whole or in part, nor shall any part thereof essential to the operation of such system be sold or abandoned, nor shall the operation thereof be discontinued by the City unless the full terms of the proposition of said sale or other disposition thereof, together with the consideration therefor, shall have been embodied in an ordinance passed by a four-fifths vote of the City Commission in the usual way, and submitted to the electors at a referendum election, and be approved by a two-thirds majority of the electors voting thereon.

Chapter 12.

MISCELLANEOUS AND TRANSITORY PROVISIONS.

Section 99. Official Publications. The City Commission 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 the State of Minnesota. It shall annually designate a newspaper of general circulation in the City as the official paper in which shall be published such matters and measures as are by the laws of this State required to be so published, and such other matters as the Commission may deem it wise to have published in this manner. The City Commission 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 bulletin boards located in public places in the City, at the City Hall, the Court House, the Post Office or similar places, and for such period of time as the Commission may direct in each case, provided that in such case at least two such places shall be designated in the City.

Section 100. Oaths of Office. Every officer of the City, appointive or elective, 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 and honestly the duties devolving upon me as _____ of this City to the best of my judgment and ability." All oaths shall be filed with the City Clerk except that of the City Clerk which shall be filed with the Mayor. Failure of any elective officer to properly file his oath within fifteen days after his election shall make his election void and of no effect. Upon the conviction of any elective officer of a felony or misdemeanor or a malfeasance or misfeasance amounting to a violation of his oath of office, such

office shall ipso facto be vacant.

Section 101. City Officer 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 officer or employee is interested, shall be the lowest bidder or one of the lowest, in which case the Commission 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 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 from office. 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 a 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 and all of the persons interested therein by joint or several actions.

Section 102. Official Bonds. The City Treasurer, The City Clerk and such other officers of the City as may be provided for by ordinance, each shall before entering upon the duties of their respective offices, give bond to the City with a legal authorized surety company as surety in such sum as may be fixed by the City Commission 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 Attorney as to form and by the City Commission, and shall be endorsed by at least three members of the Commission as having been so approved. They shall be filed with the City Clerk, except the bond of the Clerk which shall be filed with the Mayor, and the premium of such surety bonds shall be paid by the City.

Section 103. Violation of Penal Ordinances. The Justices of the Peace in and for the City shall be vested with the powers of Justices of the Peace under the statutes of the State of Minnesota. The Justices shall take judicial notice of all ordinances duly enacted by the City and shall enforce the penalties of all penal ordinances within the limits of their jurisdiction. In their discretion Justices of the Peace may sentence violators of penal ordinances to hard labor and may sentence them to be fed in jail upon bread and water; provided, if imprisonment is for more than five days, the diet of the prisoner shall not be so limited for more than one out of every three days. In enforcing all penal ordinances, City Justices of the Peace shall have the power to issue all writs, warrants and orders within the authority of any Justice of the Peace within the State.

The trial before the Justice Court of the City shall be summary for all cases arising under this charter, or under the ordinances, resolutions or by-laws of the City enacted pursuant thereto.

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 property 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 any outstanding indebtedness incurred by the City in the purchase, construction or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the Commission 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 Commission and in strict conformity with all of the provisions of the general state law. The City Clerk shall thereafter file a certified copy of such ordinance for record in the office of the Register of Deeds of this County.

Section 107. Damage Suits. No action shall be maintained against the City on account of any defect in any street, road, bridge, sidewalk, public utility or other public place, or by reason of negligence of its officers, agents or servants, unless such street or highway upon which such injury occurred is actually opened, used and traveled by the public as a street or highway, nor unless the person claiming to have sustained such injury or loss, or his lawful representative, shall within thirty days, or if the alleged injury shall have resulted in the death or insanity of the person injured, then within sixty days, after the happening of such injury or loss, present his claim for compensation, damages or other relief on account thereof to the City Commission in writing; stating the time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the City; and give said City Commission ten days' time after such claim is presented in which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one year after the happening of such alleged injury or loss.

Section 108. Notice of Defects. In the prosecution of actions against the City for personal injuries growing out of defective or improperly constructed highways, bridges, culverts, streets, alleys, sidewalks or public utilities, it shall be necessary in order to maintain such action for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of the injury, or that the City had actual notice and knowledge of such defect or want of repair at the time such injury happened.

Section 109. Liabilities for Causing Defects in Streets. All persons who shall cause or maintain any obstruction, excavation or defect in any street, alley, bridge, sidewalk, thoroughfare or pub-

lic ground of this City by reason of which a claim for damages shall arise against the City, shall be liable for such damage to the person suffering such loss or injury; and no action for such damages shall be brought or maintained against the City unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall issue only against the defendant whose act or omission caused the damage; and the City shall not be required to proceed to pay such judgment until such execution shall be returned unsatisfied; and if the City shall pay such judgment it shall become the owner thereof, and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them and to pursue such other proceedings as may be necessary and proper.

When any party is joined with the City as co-defendant in any action for the insufficiency of any street, alley, bridge, sidewalk, thoroughfare or public ground, and any such party is not a resident of and cannot be found within the State, service of the summons in such action may be made upon such defendant upon such like evidence and in like manner as is prescribed by the general laws of the State for service by publication.

Section 110. Recovery of Judgment for Damages. If any judgment shall be recovered in any action against the City for any injury or damage caused by any obstruction, excavation, opening or defect in any street, alley or public ground, caused or occasioned by the act or omission of any person or corporation, the City shall have the right to recover the amount of any such judgment from the person or corporation so responsible for such obstruction, excavation, opening or defect; and such person or corporation is hereby declared to be liable to the City in the amount of such damages.

Section 111. 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 112. Expiration of Term of Present Officers. The present officers of the City shall continue in their respective offices and functions, until the first Monday after the first Tuesday in January of the year 1938. They shall immediately after the adoption

of this charter govern the City and conduct its affairs in all matters in accordance with the provisions of this charter as near as may be.

Section 113. Statutes Not Affected by Charter. All general laws and statutes of the State applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Glenwood, operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Glenwood, and shall be construed as supplementary to the provisions of this charter.

Section 114. Existing Ordinances Continued. All ordinances and regulations of the City in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 115. Pending Condemnations and Assessments. All condemnation and 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 thereof enforced in the same manner as if this charter had not been adopted.

Section 116. Ordinances to Make Charter Effective. The City Commission 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.

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