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**PROPOSED
REVISED CHARTER**

FOR THE

CITY OF MORRIS

Stevens County, Minnesota

CERTIFIED BY

Board of Freeholders

SEPTEMBER, 1942.

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CHAPTER I.

Name, Boundaries, Powers, and General Provisions.

SECTION 1. *Name and Boundaries.* The City of Morris, in the County of Stevens, 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 Morris, with the same boundaries as now are or hereafter may be established.

SECTION 2. *Present Boundaries.* Until changed, the City of Morris shall include the following territory, situated in the County of Stevens, State of Minnesota, to-wit:

All of Sections Thirty-Four (34) and Thirty-five (35) and the West One-half of the Northwest Quarter ($W\frac{1}{2}$ of $NW\frac{1}{4}$) and the West One-half of the Southwest Quarter ($W\frac{1}{2}$ of $SW\frac{1}{4}$) of Section Thirty-six (36) all in Township One Hundred Twenty-five (125) North Range Forty-two (42) and the West One-half of the Northeast Quarter ($W\frac{1}{2}$ of $NE\frac{1}{4}$) and the Northwest Quarter ($NW\frac{1}{4}$) of Section Two (2) and the North One-half of Section Three (3) and the Northeast Quarter of Section Four (4) all in Township One Hundred Twenty-four (124) North Range Forty-two (42).

SECTION 3. *Powers of the City.* The City of Morris, by and in its corporate name, shall have perpetual succession; and save as herein otherwise provided and save as prohibited by the constitution or statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this Charter; also all powers, functions, rights, and privileges now or hereafter given or granted to municipal corporations having "home rule charters" by the constitution and laws of the State of Minnesota; also all powers, functions, rights, and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree; also all municipal powers, functions, rights, privileges, and immunities, of every name and nature whatsoever; and in addition it shall have all the powers and be subject to the restrictions contained in this Charter.

In its corporate name it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey any and all such real, personal, or mixed property, within or without its boundaries, as its purposes may require, or as may be useful or beneficial to its inhabitants; and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable and for all other legitimate purposes.

In its corporate name, it shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay

all bonds, obligations and indebtedness, of the said City of Morris; it may sue and be sued, plead and be impleaded and otherwise participate in all matters and proceedings, by that name.

SECTION 4. *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 5. *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 (30) days from and after its adoption by the voters.

CHAPTER II.

Form of Government.

SECTION 6. *Form of Government.* The form of government established by this Charter shall be known as the "Commission-Manager Plan." All powers of the City, including all legislative, executive and administrative powers, authority and duties, shall vest in and be exercised by the City Commission subject to the initiative, referendum and recall powers of the people, and otherwise subject only to the provisions and restrictions hereinafter contained.

SECTION 7. *City Commission — Election — Terms of Office.* The City Commission shall be composed of one (1) Mayor and two (2) Commissioners who shall be elected by the voters at large in the City in the manner hereinafter provided. Each member of the Commission, including the Mayor, shall take and assume the duties of the office to which he is elected on the first (1st) day of January next succeeding his election and shall serve for a term of four (4) years and until his successor is elected and qualifies. At the general municipal election in the year 1945 and in every fourth (4th) year thereafter the Mayor and one (1) Commissioner shall be elected for said term of four (4) years, and at the general municipal election in the year 1947 and in every fourth (4th) year thereafter one (1) Commissioner shall be elected for said term of four years.

SECTION 8. *Incompatible Offices.* No member of the City Commission shall hold the office of City Manager or any other paid municipal office or employment under the City, during his term of office, except his office of Mayor or Commissioner; nor shall any such member hold any paid appointive municipal office or employ-

ment under the City within one (1) year of the expiration of his term of office as Mayor or Commissioner, which paid municipal office or employment was created, or the emoluments of which were increased, during his term as Mayor or Commissioner.

SECTION 9. Vacancies in the Commission. A vacancy in the office of Mayor or Commissioner shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the last day of December next succeeding his election, or by reason of his death, resignation, removal from office, removal of residence from the City, continuous absence from the City for more than six (6) months, conviction of a felony whether before or after his qualification, or by reason of the failure of any member without good cause shown to perform any of the duties of membership in the Commission for a period of six (6) months. In either such case the remaining member or members of the Commission shall forthwith by published resolution, adopted by majority vote of such remaining member or members, declare such vacancy to exist.

In case of vacancy in the office of Mayor, said resolution shall appoint the chairman, or, in case of concurrent vacancy in the office of chairman, then some other member of the Commission, as acting Mayor, and a sufficient number of eligible persons as acting Commissioners to provide the full Commission required by this Charter, and an acting chairman from among the Commissioners then remaining or so appointed; each until and including the last day of December following the next general municipal election; at which election each of said vacant offices shall be filled for the unexpired term, if any, remaining after said last day of December; after the last day of December, the acting Mayor shall revert to his former office of Commissioner for the unexpired term of his office.

In all other cases of vacancies in the Commission, said resolution shall appoint a sufficient number of eligible persons as acting Commissioners to provide the full Commission required by this Charter, and, in case of vacancy in the office of chairman, shall appoint an acting chairman from among the Commissioners then remaining or so appointed; each until and including the last day of December following the next general municipal election; at which election each of said vacant offices shall be filled for the unexpired term, if any, remaining after said last day of December.

SECTION 10. Salaries. Upon the taking effect of this Charter and until modified by ordinance as hereinafter provided, the Mayor shall receive a salary of three hundred dollars (\$300) per year and each Commissioner shall receive a salary of two hundred dollars (\$200) per year, payable monthly at the expiration of each calendar month. Such salary shall be accepted and received by said Mayor and Commissioners in lieu of all other compensation, if any, otherwise provided by law and in full compensation for all services required by law and the provisions of this Charter.

Such salaries of the members of the Commission may be modified from time to time by the electors or the Commission by resolution; which resolution, however, shall not be immediately effective, but shall take effect as to each member whose salary is modified on the first day of January following the next general municipal election at which the office of such member is filled.

All other officers and employees of the City shall receive such compensation for their services as the Commission may prescribe.

SECTION 11. *Investigation of City Affairs.* The City Commission and any person or persons formally appointed and authorized by the Commission for such purpose, shall have power to make investigations in to all City affairs and matters of special interest to the City, and for those purposes to subpoena witnesses, administer oaths and compel the production of books and papers.

SECTION 12. *The Mayor.* The Mayor shall be the president and presiding officer of the Commission, except that at its first regular meeting in January of each even numbered year or as soon thereafter as may conveniently be done, the Commission shall elect from among the Commissioners a chairman who shall be Mayor and president of the Commission in the Mayor's absence or inability to serve. The Mayor shall be the chief executive office of the City, and shall exercise all powers and perform all duties conferred and imposed upon him by this Charter, the ordinances of the City, and the laws of the State. He shall sign all bonds, contracts and other obligations authorized by the Commission.

SECTION 13. *Municipal Court.* The Commission shall at all times cause to be duly organized and established, and shall permanently provide for and maintain, a Municipal Court, with an elective judge thereof, as authorized by, and in conformity with, the laws of the State of Minnesota, and shall make all necessary and proper regulations and provisions relative thereto as may be authorized by law. The judge of the Municipal Court, in addition to the qualifications prescribed by this Charter for elective officers, shall be a man learned in the law.

CHAPTER III.

Administration of City Affairs.

SECTION 14. *Administrative Powers of Commission.* The entire management and administration of City affairs including all executive and administrative powers, authority and duties except such executive authority as may be by this Charter vested solely in the Mayor, shall be vested in the Commission.

SECTION 15. *Departments of Administration—Administrative Code.* The Commission may also by ordinance create or permit such departments, divisions, boards or bureaus for the administra-

tion of the City's affairs as may appear necessary and from time to time fix and alter the powers, organization and compensation of the same. Any and all such departments, divisions, boards or bureaus whether voluntary or otherwise shall at all times be under the complete supervision, direction and control of the Commission. It may in conjunction with the City Manager pass a complete administrative code for the City and enact the same in the form of an ordinance which may be amended from time to time by ordinance.

SECTION 16. *Appointive Officers.* The chief officers of the City other than elective officers shall be: City Manager, City Treasurer, City Assessor, Chief of Police, City Attorney, and Members of a Board of Health. The Commission shall appoint said officers at its regular meeting in January of each year or as soon thereafter as may conveniently be done, and shall at such meeting provide for their compensation for the ensuing year. The Commission may also at any time appoint such additional non-salaried officers as it sees fit. All persons appointed to said offices shall hold their offices until the next regular January meeting of the Commission and until their successors are appointed and qualify. Such officers may be removed by the Commission on due notice and hearing for cause at any time.

SECTION 17. *Other Appointments and Employments.* Except as herein otherwise expressly provided no person shall be appointed or employed to any other appointment or employment by or on behalf of the City for a term to expire later than the next regular January meeting of the Commission and until his successor is appointed or employed.

SECTION 18. *Vacancies in Appointive Offices.* A vacancy in any appointive office or board shall be deemed to exist in case of the failure of the person appointed thereto to qualify within thirty days after such appointment, unless otherwise directed by the Commission, or by reason of death, resignation, removal from office, removal of residence from the City, continuous absence from the City for more than three months, conviction of a felony whether before or after his qualification, or by reason of the failure of any such person without good cause shown to perform any of the duties of his office for a period of one month. In either 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 unexpired term of such office.

SECTION 19. *City Manager.* (1) Except as herein otherwise provided the City Manager shall be the chief administrative officer of the City. He shall be chosen by the Commission solely on the basis of his training, experience and administrative qualities. During the absence or disability of the City Manager the duties of his office shall be performed by some qualified person designated by the Commission.

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(2) The City Manager shall be the clerk and general recording officer of the City, the custodian of the corporate seal and of all records, books, files and documents of the City and he shall keep a record of the proceedings of the Commission, whose meetings it shall be his duty to attend. He shall also perform all such duties as are imposed upon, and be vested with such powers as are conferred upon, City clerks and recording officers of municipal corporations by the general laws and statutes of the State of Minnesota not inconsistent with the provisions of this Charter.

(3) Except as herein otherwise specifically provided and subject at all times to the specific direction and control of the Commission, the powers and duties of the City Manager shall include the powers and duties:

(a) To see that this Charter and the laws, ordinances, resolution, rules and regulations and motions of the City are enforced.

(b) To employ and discharge from time to time such assistants, heads of departments and other employees as may be required, subject to the approval and control of the Commission.

(c) To exercise control over all departments and divisions of the City Administration created by this Charter or which may be hereafter created by the electors or the Commission.

(d) To attend all meetings of the Commission and take proper part in the discussions, and to recommend to the Commission for adoption such measures as he may deem necessary or proper for the welfare of the people and the efficient administration of the City's affairs.

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

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

(g) To superintend and have direction and general charge of waterworks, sewer systems and all other public utilities, enterprises and engagements of the City, and of all civil engineering work and all other work done for the City, and of the manner of performing the same; and

(h) To perform such other and further duties as shall be required by law, ordinances or resolutions, not inconsistent with the provisions of this Charter.

(4) The City Manager shall be the chief accounting officer of the City and of every branch thereof. At the end of each calendar year he shall submit to the Commission a report covering the entire financial condition and operations of the City for such calendar

year, showing the cash balances at the beginning of the calendar year and at the close, the total actual receipts and disbursements, the total outlays for operations and maintenance, the total capital outlays, the condition of each of the funds, the total receipts by sources and the total expenditures for general purposes, the total outstanding bonds and debts of the City, when due, the amount of new bonds issued and the amount redeemed, the interest rate of each, the condition of all of the budget allowances and an inventory of all the property owned by the City; and such further information as may appear proper or the Commission may require. He shall also submit to the Commission additional statements at such times and in such manner and covering such items and matters as may be requested by the Commission and shall keep his accounts at all times up to date and complete and suitable for examination or inspection.

SECTION 20. *City Treasurer.* The City Treasurer shall be the custodian of the funds of the City and he shall be governed in the discharge and performance of his duties by all provisions of this Charter relating to finances applicable to his office and by such directions and restrictions as the Commission shall by ordinance or resolution prescribe.

SECTION 21. *City Assessor.* The City Assessor shall qualify in the manner and form prescribed by the General Laws of the State of Minnesota. He shall perform all duties required by the General Laws of the State of Minnesota respecting the listing of property and the valuation thereof for taxation. The City Commission may appoint an assistant or assistants for the City Assessor at such times as may appear necessary or proper, with such powers and duties not inconsistent with the powers and duties of the Assessor as the Commission may prescribe, and provide for their compensation.

SECTION 22. *Chief of Police.* The Chief of Police shall be the principal police officer of the City and shall be responsible for the efficiency and conduct of the Police Department of the City, subject to the control and supervision of the Mayor, who shall be chief executive officer and head of the Department. The Mayor may from time to time appoint such other regular or special police officers as in his judgment are necessary to the proper policing of the City, as occasions may require, subject to the control of the Commission. The powers of the Chief of Police and of all such other police officers, unless otherwise restricted in their appointments, shall include all powers of constables at common law and under the statutes of this State.

SECTION 23. *City Attorney.* The City Attorney shall be the legal advisor and counsel of the City. He shall appear in and conduct all civil suits, prosecutions and proceedings in which the City shall be directly or indirectly interested. He shall, when so required by the Commission, furnish opinions upon any subject submitted

to him touching the affairs of the City, he shall advise the Commission and all City officers in respect to their official duties; he shall attend meetings of the Commission, when requested to do so, and shall perform such other and further duties, consistent with his office, as the Commission may by ordinance or resolution prescribe.

SECTION 24. Board of Health. The Board of Health shall consist of three members, one of whom shall be a physician regularly licensed to practice as such who shall be the Health Commissioner of the City and the executive officer of the Board of Health. The Health Commissioner, subject to the specific directions and control of the Board of Health and of the City Commission, shall enforce all laws of the State of Minnesota and ordinances, resolutions, motions, and regulations of the City relative to the public health and sanitation of the city. He shall abate all nuisances injurious thereto and prevent or exterminate contagious or infectious diseases; he shall control all quarantines, hospitals and morgues maintained by or located in the City and all cemeteries, crematories, vaults, and burial places in, or maintained or regulated by, the City; he shall inspect or cause to be inspected all food products exposed for sale in the City in case such inspection may be required or permitted by law or ordinance; he shall grant all burial permits and regulate the disposition of all dead bodies; he shall keep a permanent record of all vital statistics of the City; and the said Health Commissioner and said Board of Health shall have all further powers and perform such other and further duties as may be required by law or by ordinance or resolutions of the City.

SECTION 25. Oaths of Office. Every elective and appointive officer before entering upon his duties shall make and file with the City Manager his oath or affirmation that he will support the Constitution of the United States and of the State of Minnesota and perform faithfully, honestly, and impartially the duties of his office. Each elective officer shall, in such oath or affirmation further make oath or affirm that he has not violated any of the provisions of this Charter relating to elections, and shall include therein or attach and file therewith an itemized statement of all moneys or other considerations or promises paid, incurred or given by him or by any other person in his behalf with his knowledge and consent in such elections.

SECTION 26. Official Bonds. Before entering upon his duties the City Manager and the City Treasurer shall each further furnish and file with the City Manager a corporate surety bond approved by the Commission in the sum of five thousand dollars (\$5000) and in such further amount, if any, as the Commission may require, for the faithful performance of his duties. The Commission may also require any of the other appointive officers or employees of the City to furnish such bonds for the faithful performance of their

several duties as to the Commission may appear proper. The costs of all such surety bonds shall be paid by the City.

SECTION 27. *Special Benefits—Interest in Contracts.* (1) No officer or employee of the City shall solicit or receive any pay, commission, money or thing of value, or derive any 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.

(2) No officer or employee of the City, except as otherwise provided in this Charter, or by law, shall solicit, accept or receive, directly or indirectly, from any public utility corporation, or owner of any public utility or franchise, in the City, any pass, frank, free ticket, free service or any other favor, upon terms more favorable than those granted the public generally.

(3) A violation of any of the provisions of this section shall disqualify the offender to continue in office or employment of the City, and he shall be removed therefrom.

(4) Any contract in which any officer or employee of the City is, or becomes, directly or indirectly, interested, 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 back from any or all the persons interested therein, by a joint or several action.

SECTION 28. *Purchases and Contracts.* The City Manager shall be the chief purchasing agent of the City. All purchases on behalf of the City shall be made, and all contracts let by the City Manager subject to the approval of the Commission. All contracts, bonds, and instruments of every kind to which the City shall be a party shall be signed by the Mayor on behalf of the City as well as by the City Manager, and shall be executed in the name of the City.

SECTION 29. *Purchases and Contracts—Bids.* In all cases of work to be done by contract or of the purchase of real or personal property of any kind where the probable amount involved is one thousand dollars or more, unless the Commission shall by an emergency ordinance otherwise provided, the City Manager shall advertise for bids in such manner as shall be designated by the Commission, by resolution, except that such advertising shall include the publication of notice of the general nature of such work or property required, and of the time of taking such bids, to be published in at least one publication of the official paper of the City not less than ten days prior to the taking of said bids. Contracts for such work or the purchase of property shall be let to the lowest responsible bidder. The Commission may, however, reject any and all bids. Nothing contained in this section, however, shall prevent the Commission from contracting for the doing of work with patented

processes, or from purchasing patented appliances, or from doing of work by day labor.

SECTION 30. *Official Publications.* The Commission shall annually designate a newspaper published in and of general circulation in the City as the official paper, in which shall be published such measures and matters as are by the laws of this State or this Charter required to be so published, and such other matters as the Commission may deem it wise to have published in this manner; or in lieu thereof it may establish a municipal publication, which shall then be the official newspaper.

SECTION 31. *Audits.* The Commission shall cause all books, accounts and records of the City to be completely examined and audited by a competent accountant as soon after the first day of each year as practicable. Each such examination and audit shall extend from the last preceding audit to the end of the last preceding calendar year. Immediately following the completion of each such audit, a summary thereof, together with such other information relative thereto as to the Commission may appear proper, shall be published in the official paper of the City.

CHAPTER IV.

Procedure of Commission.

SECTION 32. *Commission Meetings.* (1) The regular annual meeting of the Commission shall be held on the first Tuesday after the first Monday in January of each year, at 10 o'clock A. M. Other regular meetings of the Commission shall be held at least once each month, at such times as the Commission may prescribe by ordinance or published resolution.

(2) Special meetings may be called by the Mayor or two (2) Commissioners at any time on not less than twelve (12) hours written notice to the other members of the Commission. Such notice may be waived in writing. Special meetings, however, may be held at any time, and shall be valid for all purposes, whenever all members are present, with or without such notice, unless objection is made by a member at the opening of such meeting for failure of such notice and entered in the minutes of the meeting.

(3) All meetings shall be held at the City Office building unless otherwise prescribed by the Commission by ordinance or published resolution. All meetings of the Commission shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. A majority of the Commission shall constitute a quorum for all business unless otherwise prescribed by this Charter, and a majority vote shall be sufficient for the passage of all matters except as otherwise provided by this Charter. A less number may adjourn from time to time. The Commission may

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

(4) Within eight (8) days after each regular meeting of the Commission, the City Manager shall prepare and cause to be published in the official paper of the City a copy of the minutes of said meeting and of all other meetings intervening since the last previous regular meeting, or a true and complete statement of each of said meetings in narrative form. Such copy or narrative statement shall include the title or substance, but may otherwise omit, all ordinances, resolutions, bonds, certificates of indebtedness, contracts, and other instruments of length and detail on file with the City Manager, adopted or authorized by the Commission.

(5) In the event that such published copy or statement shall include a full and complete copy of any ordinance or resolution required by this Charter to be published, such publication thereof as a part of said minutes or statement, if within the time limited by this Charter for the publication of such ordinance or resolution, shall constitute the publication thereof required by this Charter, or the first publication thereof if more than one publication is required by this Charter.

SECTION 33. *Ordinances, Resolutions, and Motions.* Except as in this Charter otherwise provided, all legislation shall be by ordinance. Where an obligation has been incurred by ordinance, payment thereof may be ordered by motion or resolution. Licenses may be granted, property acquired for public uses, local improvements ordered, and salaries fixed, by resolution. The final vote of each member upon all ordinances and published resolutions shall be recorded in the minutes. Every ordinance shall be titled and the title indicate the general nature of the subject matter of the ordinance but no defect or failure in this regard shall invalidate the ordinance unless such failure or defects shall be such as to mislead the public in general as to the nature or purpose of the ordinance.

Any administrative rule or regulation of any department of the State of Minnesota, or any published code, specifications or regulations prepared by an official or unofficial organization for general circulation and use, may be adopted and incorporated by reference thereto in an ordinance and by marking three (3) copies thereof as "official copies" and filing them for reference and inspection in the office of the City Manager at or before the time of the filing of such ordinance.

SECTION 34. *Procedure on Ordinances.* The enacting clause of all ordinances passed by the Commission shall be in the words "The City of Morris Does Ordain". Every ordinance shall be presented in writing. Every ordinance shall have two public readings, at regular or special meetings, not more than one of which shall be on the same day. Reading of the title shall be

sufficient unless full reading is demanded by any member of the Commission present, in which case a full reading shall be had. Every ordinance shall be filed at or before the time of its first reading and shall remain on file and subject to public inspection until its final passage or rejection by the Commission, and if passed it shall become and remain a part of the permanent files of the City. Every ordinance passed by the Commission shall be signed by the Mayor or two Commissioners and attested by the City Manager.

SECTION 35. *Emergency Ordinances.* An emergency ordinance is an ordinance for the immediate preservation of the public peace, health, or safety, in which or in a preamble to which the emergency is defined or declared. No grant of any franchise shall be made by an emergency ordinance. No emergency ordinance shall be passed except by unanimous vote of all members of the Commission.

SECTION 36. *Publication of Ordinances and Resolutions—Taking Effect.* Every ordinance enacted by the Commission except an emergency ordinance, and every resolution required by this Charter to be published, shall be published in one (1) publication of the official paper of the City within eight (8) days after its passage and shall take effect twenty (20) days after its passage, unless a later date is fixed therein, in which event it shall take effect at such a later date.

Every ordinance adopted by the electors of the City shall take effect immediately upon its adoption, unless a later date is fixed therein, in which event it shall take effect at such later date.

Every emergency ordinance, and every resolution not required by this Charter to be published, shall take effect immediately upon its passage, unless a later date is fixed therein, in which event it shall take effect at such later date.

SECTION 37. *Ordinances—Numbering and Recording—Amendment and Repeal.* Every ordinance upon its passage shall be numbered and recorded in a separate book or books kept for that purpose. Ordinances may be amended by reference to their numbers and titles. Ordinances may be repealed by reference to their numbers or titles or both. Every amending ordinance shall contain a complete restatement of the entire section or sections as amended.

CHAPTER V.

Elections.

SECTION 38. *Elective Officers.* The elective officers of the City shall be: the Mayor and Commissioners and a Judge of the Municipal Court.

SECTION 39. *General Municipal Elections.* General municipal elections shall be held on the first Tuesday after the first Monday in November in each odd numbered year. At such general elections there shall be elected in addition to the elective officers provided by this Charter, such additional elective judges or other officers as may be required by law. The Commission shall establish necessary voting precincts and the hours and place or places of holding elections. Unless otherwise established by the Commission, the hours of voting shall be from 7:00 o'clock A. M. to 8:00 o'clock P. M. at all elections.

SECTION 40. *Qualifications for Elective Office.* No person shall be eligible for election to any elective office of the City unless at the time of his election he be a citizen of the United States and of the State of Minnesota, a qualified elector of the City of Morris, and an actual resident of the City of Morris for sixty (60) days next preceding such election.

SECTION 41. *Special Elections.* The Commission may by resolution order a special election at any time, fix the time and place of holding the same and appoint the necessary judges and clerks of such election, and provide all means for holding the same. The procedure at such election shall conform as nearly as possible to that herein provided for general municipal elections.

SECTION 42. *Notice of Election.* At least fourteen days before every general or special election the City Manager shall prepare and file in his office a notice stating the time and place of holding such election and containing a complete list of the offices, if any, to be filled, stating whether for a full or an unexpired term, and the candidates for each office who are entitled to have their names appear upon the ballot, and in cases of special elections, a general statement of the proposition or propositions to be voted upon. A copy of such notice shall be published in all succeeding issues of the official paper of the City before the day of election and shall be posted at all polling places for at least seven (7) days next preceding and including the day of election.

SECTION 43. *Judges and Clerks of Election.* The Commission shall at least seven (7) days before each municipal election appoint three (3) qualified voters of each precinct to be judges of the election therein, and two (2) or more qualified electors of each precinct to serve as clerks of election in such precinct.

SECTION 44. *Registration and Qualifications of Voters.* Except as required by law no registration of voters prior to any election shall be required, but the registration and qualification of voters at the time of voting shall be the same as is now or may hereafter be required by the general laws of the State relating to cities of the same class.

SECTION 45. *Nominations for Office.* The mode of nomination of all elective officers provided for by this Charter shall be by petition. No name of any candidate for office shall appear upon any official ballot unless so nominated and except as hereinafter provided.

SECTION 46. *Nomination Petition.* The petition of nomination shall be signed by not less than twenty-five (25) duly qualified electors of the City, not less than twenty-five (25) of which signatures shall be verified by affidavit or affidavits, annexed to such petition, executed by some person or persons, who may or may not be petitioners, having knowledge of the fact and verity of the signatures annexed to said petition. The petition and affidavits shall read substantially as follows:

State of Minnesota }
County of Stevens } ss PETITION OF NOMINATION

The undersigned do hereby petition for the nomination of _____, whose residence is in Morris, for the office of _____, to be voted for at the municipal election to be held in the City of Morris on the _____ day of _____, 19_____.

Each of the undersigned does hereby further represent that he, the undersigned, is a qualified elector of the City of Morris and is not at the time of signing this petition a signer of any other petition of nomination of any other candidate for said office.

(Signed) _____

(Signed) _____

State of Minnesota }
County of Stevens } ss VERIFICATION

_____ being duly sworn, deposes and says:

That he knows the signatures — of each of the persons—of _____, some of the persons—(cross out inconsistent provisions) whose names appear as signatories to the annexed petition of nomination; that he knows that each of said signatures is the genuine signature of the person whose signature it purports to be; and that he verily believes that each of said persons executed said

petition having full knowledge of the contents and purpose of said petition.

(Signed)

Subscribed and sworn to before me
this day of, 19.....

All such petitions shall be presented to the City Manager not more than thirty (30) days nor less than twenty (20) days before the election. The City Manager shall endorse thereon the date when the petition was presented, and by whom presented.

No elector shall sign petitions for more than one (1) candidate for any one office at any election.

In case any elector signs petitions for more than one candidate for any one office at any election, his signature shall be valid as to the petition first filed, but void as to all such petitions subsequently filed, and shall be stricken by the City Manager from all such subsequent petitions.

SECTION 47. *Examination of Petition—Amendment—Filing.* When a petition of nomination is presented to the City Manager for filing, he shall forthwith examine the same, and ascertain whether it conforms to the provisions of this Charter. If found not to conform thereto, he shall then and there in writing on said petition state the reason why such petition does not so conform, and shall forthwith return the petition to the person presenting the same. The petition may then be amended and again, but not later than three (3) days after said petition shall have been returned, presented to the City Manager, who shall forthwith proceed to examine the amended petition. If either the original or the amended petition of nomination be found sufficient, as hereinbefore provided, the City Manager shall file the same forthwith, and endorse thereon the date and hour of filing.

SECTION 48. *Ballots.* The City Manager shall cause ballots for each general and special election to be prepared and printed. Such ballot shall contain a complete list of the offices to be filled and the names of the candidates nominated therefore. If more than one (1) candidate is nominated for the same office the names of the candidates for such office shall be arranged in the alphabetical order of their surnames. Nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. No ballot shall have printed thereon any party or political designation or mark or anything indicating the party affiliation, views or opinions of the candidate.

SECTION 49. *Australian Ballot System.* Except as otherwise provided by this Charter all municipal elections shall be held and conducted under the so-called "Australian Ballot System" as provided by law for general elections.

SECTION 50. *Challenger.* One voter selected by each candidate

and having a written statement from the candidate he represents stating that he has been appointed by the candidate as a challenger, shall be allowed to remain within the railing in the room where the election is being held at each voting place until the votes are counted and the results announced, and such person shall have all the powers and duties of challengers at general elections under general laws.

SECTION 51. *C canvass of Elections.* As soon as the polls are closed, the judges of election for each precinct shall open the ballot boxes of such precinct, take therefrom and count the ballots cast for each candidate, and make their statement and return thereof and file the same with the City Manager, on forms provided for that purpose. Such return shall include:

- (a) The total number of good ballots cast.
- (b) The total number of spoiled or defective ballots.
- (c) The vote for each candidate.
- (d) A true copy of the ballots used.
- (e) The names of the judges and clerks of election, and
- (f) Such other information as may seem pertinent.

Within three (3) days after the filing of such statements and returns the Commission shall meet and canvass the election returns and make full declaration of the results thereof, and shall declare each person who receives the greater number of the good ballots cast for an office to be duly elected. Any ballot cast for a person not qualified or authorized to hold the office for which such ballots are cast shall be considered spoiled or defective as to that office. Any tie shall be decided by lot by the Commission.

Upon completion of such canvass and return the City Manager shall forthwith notify the officer or officers elected of their election by written notice served personally or by registered mail.

SECTION 52. *Preservation of Records.* The City Manager shall preserve in his office all petitions of nominations, ballots and other records and papers relative to any election for a period of two (2) years after such election.

SECTION 53. *Soliciting at or near Polling Places.* It shall be unlawful for any person at, or within one hundred (100) feet of, the building in which any polling place is situated on the day of any election to ask, solicit or in any manner try to induce or persuade any voter on such election day to vote for or against or refrain from voting for or against any candidate or measure submitted to the people, or to carry, circulate or distribute, or cause to be circulated or distributed, any cards, literature, signs or other matters or things for any of such purposes.

SECTION 54. *Expenditures.* The total of all expenditures by and on behalf of any candidate and with his knowledge and consent in aid of his election shall not exceed fifty dollars (\$50.00). No expenditures shall be made by or on behalf of any candidate except

(a) For maintenance of headquarters and for all rentals and other expenses incident to the holding of public meetings,

(b) For necessary stationery, postage, telephone messenger, clerical assistance incident to the preparation and distribution of letters and literature,

(c) For necessary expenses incident to the furnishing and printing of badges, banners and other insignia, to the printing and posting of cards, hand-bills, posters, lithograph and other campaign literature and the distribution thereof,

(d) For campaign advertising in newspapers, periodicals or other magazines or by radio,

(e) For wages and actual necessary personal expenses of public speakers, organizers and musicians, and

(f) For traveling expenses of candidates and persons acting on their behalf,

(g) For polling lists, and challengers at the polls.

SECTION 55. *Disqualification of Candidates.* Any violation of the provisions of sections 53 or 54 hereof with the knowledge and consent of any candidate shall be deemed a violation of this section by such candidate.

Any violation of any of the provisions of this section by any candidate shall disqualify him for holding the office for which he is a candidate and if elected shall invalidate such election.

SECTION 56. *Additional Regulations—Absent Voters.* The Commission may by ordinance make such additional regulations and provisions relating to voting by persons absent or under disability, qualifications and disqualifications of candidates, the conduct of campaigns, and other matters relating to elections as may appear necessary or proper, subject to the provisions of this Charter and the laws of the State governing cities having home rule Charters.

CHAPTER VI.

Initiative, Referendum and Recall.

IN GENERAL

SECTION 57. *Powers Reserved by the People.* The people of the City of Morris reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt ordinances, and resolutions of the kind required by this Charter to be published, to require any and all such ordinances and resolutions passed by the Commission to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

SECTION 58. *Further Regulations.* The Commission may by

ordinance provide further regulations for the initiative, referendum and recall as may appear proper, not inconsistent with this Charter.

INITIATIVE

SECTION 59. *Initiation of Measures.* Any proposed ordinance, or resolution of the kind required by this Charter to be published, relating to any measure of public concern may be initiated by petition as hereinafter provided.

SECTION 60. *Initiative Petition.* The petition for the initiation of any such ordinance or resolution shall be addressed to the City Commission and shall include a copy of the proposed ordinance or resolution and shall be signed by a number of duly qualified electors of the City equal to at least ten per cent (10%) of the total number of votes cast at the last preceding general municipal election, which petitioners, however, shall not be less than fifty (50) in number. All the signatures need not be on one signature paper, but the circulator of every such paper shall make and attach thereto his affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. The petition and affidavits shall read substantially as follows:

Initiative Petition

State of Minnesota }
County of Stevens } ss

The undersigned, each representing himself to be a qualified elector of the City of Morris, and understanding the terms and nature of the following measure, do hereby petition the Commission of said City for the adoption or, in lieu thereof, for the submission to the electors of said City for their adoption, of the following measure, to-wit:

Ordinance (or) Resolution

(here insert exact copy of proposed ordinance or resolution)

(Signed)

(Signed)

State of Minnesota }
County of Stevens } ss

Verification

....., being duly sworn, deposes and says:

That he knows the signatures—of each of the persons—of some of the persons, (cross out inconsistent provision) whose names appear as signatories to the annexed petition; that he knows that each of said signatures is the genuine signature of the person whose signature it purports to be; and that he verily believes that each of said persons executed said petition having

full knowledge of the contents and purpose of said petition.

Subscribed and sworn to before me
 this day of, 19.....

SECTION 61. Examination of Petition—Amendment—Filing.
 When an initiative petition is presented to the City Manager for filing, he shall forthwith endorse thereon the name of the person presenting said petition, examine the same and ascertain whether it conforms to the provisions of this Charter. If found not to conform thereto he shall then and there in writing on said petition state the reason why such petition does not so conform and forthwith return the petition to said person presenting the same, or to such other person as he may request. The petition may then be amended and again but not later than thirty (30) days after its return to such petitioner, presented to the City Manager, who shall forthwith proceed to examine the amended petition. If either the original or such amended petition be found sufficient as hereinbefore provided, the City Manager shall file the same forthwith. None of the provisions of this section shall prejudice the preparation, signing and filing of a new petition for the same purpose at any time, nor shall it prevent the Commission from adopting the measure or referring the measure to the electors as hereinafter provided, at its option.

SECTION 62. Action on Petition. Within thirty (30) days after the filing of such petition the Commission shall either

(a) Pass the proposed ordinance or resolution without alteration, or

(b) Order an election to be held thereon at any municipal election occurring within ninety (90) days thereafter, or at a prior special election called for that purpose.

Provided, however, that if within said thirty-day period a majority of the petitioners shall file with the City Manager a petition for the withdrawal of their names from such petition, then the petition shall be considered abandoned and withdrawn. Provided, also, that the Commission may within said thirty-day period pass an alternative ordinance or resolution. Such alternative measure shall not become effective unless the measure submitted by the electors is abandoned as hereinbefore provided. The Commission may, however, submit such alternative measure to the electors at the same time as the submission of the measure proposed by the petition and the same may be adopted or otherwise by the electors as hereinafter provided.

SECTION 63. Notice of Election. Whenever any ordinance or

resolution is to be submitted to the vote of the people under the initiative provisions of this Charter, notice of election shall be given as provided by section 42 of this Charter, and shall include a complete copy of the initiative petition, including the ordinance or resolution to be submitted, but excluding signatures and verifications.

SECTION 64. *Ballots.* The ballots used when voting upon any ordinance or resolution shall state the substance thereof and shall give the voter the opportunity to vote either "for the measure" or "against the measure". If a majority of the electors voting on any such measure shall vote in favor thereof it shall thereupon become an ordinance or resolution of the City as the case may be, except in the case of alternative ordinances or resolutions, in which case the ordinance or resolution receiving the largest majority of affirmative votes shall be adopted and the other ordinance or resolution declared defeated.

SECTION 65. *Submission by Commission.* Any ordinance, resolution or measure that the Commission or the qualified electors of the City shall have authority to enact, the Commission may of its own motion submit to the electors for adoption or rejection at any general or special election in the same manner and with the same force and effect as is provided for ordinances or resolutions submitted on petition.

SECTION 66. *Amendment—Repeal.* No ordinance or resolution adopted by vote of the people shall be amended or repealed within five years after its adoption except by an amending or repealing ordinance or resolution submitted to and adopted by the electors in accordance with the provisions of this Chapter.

REFERENDUM

SECTION 67. *The Referendum.* (1) If prior to the date when an ordinance or resolution of the kind required by this Charter to be published, takes effect a referendum petition as hereinafter provided be filed with the City Manager requesting that such ordinance or resolution, or any part thereof, be repealed or be submitted to a vote of the electors, the said ordinance or resolution, or sections thereof to which objection has been raised by the petition, shall thereby be suspended from going in to operation until the repeal thereof, abandonment or withdrawal of the petition, or the holding of the election thereon, as hereinafter provided.

(2) The requirements and provisions laid down in Section 61 of this Charter for examination, amendment and filing of initiative petitions shall govern and control the examination, amendment and filing of referendum petitions, except that such requirements or provisions shall not be construed to authorize the filing of any referendum petition after the taking effect of the ordinance or resolution referred to.

(3) Within thirty (30) days after the filing of such petition the Commission shall either

(a) Repeal the ordinance or resolution or sections thereof to which objection has been raised by the petition, in which case such repeal shall take immediate effect, or

(b) Order an election to be held thereon at any municipal election occurring within ninety (90) days thereafter, or at a prior special election called for that purpose.

Provided, however, that if within said thirty-day period a majority of the petitioners shall file with the City Manager a petition for the withdrawal of their names from such petition, then the petition shall be considered abandoned and withdrawn.

SECTION 68. *Referendum Petition.* The referendum petition shall be addressed to the City Commission and shall include a copy of the ordinance or resolution referred to and shall state whether objection is made to the entire measure or if not shall specify the sections or parts thereof to which objection is made. The requirements laid down in Section 60 of this Charter as to initiative petitions, including the qualification and number of petitioners, and the verification of signatures shall apply to referendum petitions. The referendum petition and affidavits shall read substantially as follows:

REFERENDUM PETITION

State of Minnesota }
County of Stevens } ss

The undersigned, each representing himself to be a qualified elector of the City of Morris and understanding the terms and nature of the following measure, do hereby petition the Commission of said City for the repeal, or, in lieu thereof, for the submission to the electors of said City for their repeal, —of all of— of sections of..... (cross out inconsistent provisions), the following measure, to-wit:

Ordinance (or) Resolution

(Here insert exact copy of ordinance or resolution)

(Signed)
(Signed)
(Signed)

(Verification as in the case of initiative petitions.)

SECTION 69. *Notice of Election.* Whenever an ordinance or resolution is to be submitted to the vote of the people under the referendum provisions of this Charter notice of election shall be given as provided by Sec. 42 of this Charter and shall include a

complete copy of the referendum petition, including the whole of the ordinance or resolution to all of which or any part of which objection is made, but excluding signatures and verifications.

SECTION 70. *Referendum Ballots.* The ballots used in referendum elections shall conform to the rules laid down in Section 64 of this Charter for initiative ballots. If a majority of the electors voting on any such measure shall vote against the measure, it shall thereupon become repealed; otherwise it shall go in to operation either immediately or at such later date as may be specified therein.

SECTION 71. *Re-enactment—Amendment—Repeal.* No ordinance or resolution submitted to the electors under the referendum provisions of this Charter shall be re-enacted, amended or repealed within five years thereafter except by a re-enacting, amending or repealing ordinance or resolution submitted to and adopted by the electors under the Initiative provisions of this Charter.

RECALL

SECTION 72. *The Recall Petition.* The petition for recall of any official shall be addressed to the City Commission and shall include a general statement of the grounds for removal in not more than two hundred (200) words and shall be signed by duly qualified electors of the City equal in number to at least twenty-five per cent (25%) of the total ballots cast at the election at which such official was elected, which petitioners, however, shall not be less than one hundred (100) in number. All the signatures need not be on one signature paper, but the circulator of every such paper shall make and attach thereto his affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. One or more of the signers of such petition shall also make and attach thereto his affidavit that the statements therein made are true of his own knowledge or to the best of his knowledge, information and belief. The petition and affidavits shall read substantially as follows:

RECALL PETITION

State of Minnesota }
County of Stevens } ss

The undersigned, each representing himself to be a duly qualified elector of the City of Morris, and understanding the nature of the charges against the officer herein sought to be recalled, do hereby petition the Commission of said City for the submission to the electors of said City of the recall of from his office as on the following grounds, to-wit:

(Here state grounds for removal in not more than 200

words.)

(Signed) _____
(Signed) _____
(Signed) _____

(Verification as in the case of Initiative Petitions)

State of Minnesota }
County of Stevens }^{ss}

Affidavit

_____, being duly sworn, deposes and says:

That he is one of the persons who signed the annexed petition; that he has read the same and knows the contents thereof and that each and all of the matters, statements and things therein contained are true of his own knowledge—to the best of his knowledge, information and belief. (Cross out inconsistent provisions.)

(Signed) _____

Subscribed and sworn to before me
this _____ day of _____, 19_____

SECTION 73. *Examination of Petition—Amendment—Filing.* The requirements and provisions laid down in Section 61 of this Charter for examination, amendment and filing of initiative petitions shall govern and control the examination, amendment and filing of recall petitions.

SECTION 74. *Copy to Official—Resignation—Answer.* Within five (5) days after the filing of such petition, or as soon thereafter as the official whose removal is sought can be found in the City, the City Manager shall cause a certified copy thereof to be served upon the official whose removal is sought. Such official shall then be allowed ten (10) days after the service of such certified copy upon him in which to file with the City Manager his written answer in not more than four hundred (400) words to the charges contained in such petition if he chooses to do so, or his written resignation from such office if he chooses to do so. Upon the filing of such written resignation the same shall take immediate effect.

SECTION 75. *Recall Election.* Upon the filing of such petition and expiration of said ten-day period after the service of a copy thereof on the official sought to be removed, and if within the said time such official shall not have filed with the City Manager his resignation as hereinbefore provided, the Commission shall at its next regular meeting, or at a prior special meeting called for that purpose, proceed to call a special election to be held not more than sixty (60) days after such meeting, at which election the question of the recall of such official shall be submitted to a vote of the people; provided, however, that if any other municipal election is to occur within ninety (90) days after such meeting the Commission may in its discretion order the holding of the recall

election at that time.

SECTION 76. *Notice of Recall Election.* The notice of election shall be given as provided by Section 42 of this Charter and shall include a complete copy of the recall petition except signatures, verification and affidavits, and shall also include the answer of the official to the charges, authorized by this Charter to be filed by such official with the City Manager.

SECTION 77. *Ballots.* The ballot shall read substantially as follows: "Shall _____, who is now holding the elective office of _____ at the City of Morris be removed from such office?" In case a majority of those voting for or against the recall of any official shall vote in favor of recalling such official he shall be thereby removed from office and the vacancy shall thereupon be filled as provided by this Charter.

SECTION 78. *Limitation—Disqualification.* No recall petition shall be filed against any officer within six (6) months after the commencement of his term of office. No person who has been recalled from office or has resigned from such office while recall proceedings were pending against him shall be elected or appointed to any elective office in the City within one (1) year after such recall or resignation.

CHAPTER VII.

City Finances.

SECTION 79. *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 safekeeping and disbursement of public moneys, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

SECTION 80. *Fiscal Year.* The fiscal year of the City shall be the calendar year.

SECTION 81. *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 as fully as possible to the general State law as to the assessment of such property and the collection of such taxes.

SECTION 82. *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 in each year to equalize the assessments according to law:

with power, however, in the Commission to change the date of such equalization meetings from time to time by published resolution to conform to general laws relating to Cities of the fourth class.

SECTION 83. *Preparation of the Annual Budget.* The City Manager shall prepare the estimates for the annual budget. Such estimates shall include principal and interest on bonds. The estimates of expenditures shall be arranged for each department or division of the City and for each fund 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 in to:

(a) Salaries, with a list of all salaried offices and positions, with the salary allowance and the number of persons holding each;

(b) Wages;

(c) Printing, advertising, telephone, telegraph, express charges, and other like items;

(d) Supplies and repairs, with sufficient detail to be readily understood.

All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years and, as far as possible, for the current year. In addition to the estimates of expenditures, the estimates shall include a statement of the revenues which have accrued for the past two completed fiscal years, with the amounts collected and the uncollected balances, together with the same information, as far as possible, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify the following items; sums derived from (a) taxation, (b) fees, (c) fines, (d) interest, (e) miscellaneous, not included in the foregoing, (f) sales and rentals, (g) operation of public utilities, (h) special assessments, and (i) sales of bonds and other obligation. Such estimates shall be printed or typewritten, and there shall be at least six (6) copies, one to file, one for each member of the Commission, one for the City Manager, and one for the City Treasurer. The estimates shall be submitted to the Commission at its regular monthly meeting in August. The City Manager may submit with the estimates such explanatory statement or statements as he may deem necessary.

SECTION 84. *Passage of the Budget.* The budget shall be the principal item of business at the regular monthly meeting of the Commission in August, 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 ask such questions as may seem pertinent to them. The budget estimates shall be read in full, and the City Manager shall explain the various items thereof as fully as may be deemed necessary by the Commission. The annual budget finally agreed upon shall be a resolution setting forth in detail the complete estimates of the City for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the estimated sums to be spent and for what purposes, according to the plan indicated in Section 83. 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 day of October.

SECTION 85. *Enforcement of the Budget.* It shall be the duty of the City Manager to enforce strictly the provisions of the budget. He shall not approve any order upon the City Treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the City shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

SECTION 86. *Alterations in the Budget.* After the budget shall have been duly adopted, the Commission shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts from collections of taxes and special assessments, and obligations issued against the fund, shall exceed such estimates, and in that event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein and no other. The Commission may at any time, by a resolution reduce the sums appropriated but not incurred for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes.

SECTION 87. *Levy and Collection of Taxes.* On or before the first day of October 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 Manager 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 by

reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purposes for which the same is levied, but in that case the surplus shall go in to the fund to which such tax belongs.

SECTION 88. *Tax Settlement with County Treasurer.* The City Manager shall see to it that all moneys in the County Treasury belonging to the City are promptly turned over to the City Treasurer according to law and placed in the proper funds.

SECTION 89. *Disbursements. How Made.* All disbursements shall be made only upon the order of the Mayor and City Manager, duly authorized by the Commission, and every such authorization and order shall specify the purpose for which the disbursement is made, and indicate the proper fund out of which it is to be paid. Each such order shall be directed to the Treasurer, and the latter shall issue a check payable to the order of the person in whose favor the order was drawn. The Treasurer shall issue no check upon any City funds except upon such order. No such order or check shall be issued until there is money to the credit of the fund out of which it is to be paid, sufficient to pay the same together with all then outstanding checks and encumbrances upon such fund. Any order or authorization for the payment of money violating any provision of this section shall be void, and any officer of the City violating any provision of this section shall be personally responsible for the amount of such payments, if any such payment is made contrary to the provisions hereof. No contract requiring the payment of money by the City shall be valid unless the particular fund out of which the same is to be paid is specified in such contract. No claim against the City shall be allowed unless verified and accompanied by an itemized bill or voucher. No payroll, or time sheet shall be allowed or ordered paid unless signed by the responsible officer who has personal knowledge of the facts in the case and vouches for the correctness and reasonableness of the claim. The Commission may by ordinance make further regulations for the safe-keeping and disbursement of the City's funds.

SECTION 90. *Funds to be Kept.* There shall be maintained in the City Treasury the following funds for the support of which the Commission may levy taxes:

(1) *A Sinking Fund,* For the purchase or payment when due of any bonds or other obligations of the City not otherwise provided, limited, or required to be purchased or paid out of any other fund and to pay the interest on all such bonds and other obligations. The Commission shall levy an annual tax sufficient to meet all obligations against this fund when due unless otherwise provided for.

(2) *A Public Safety Fund,* For the maintenance and operation of the Fire Department, the Police Department, and the

Health Department.

(3) *A Library Fund*, For the improvement, maintenance and support of the public library. In to this fund shall be paid all gifts, devices, or bequests made for the improvement, maintenance or support of such library.

(4) *A Public Works Fund*, For the acquisition, creation, improvement, maintenance, and repair of highways of the City, including gravel pits and other real or personal property for highway purposes. In to this fund shall be paid the proceeds and income from all property acquired or maintained from this fund and all licenses, fees, or levies imposed upon motor vehicles.

(5) *A Permanent Improvement Fund*, Which shall be used

(a) To pay the cost of all real property which the City shall acquire, payment for which is not otherwise provided for out of other funds;

(b) To pay such proportion of the cost of local improvements as shall devolve upon the City;

(c) To finance local improvements that are to be paid for in whole or in part from special assessments against benefited property;

(d) To redeem all bonds and certificates of indebtedness, with interest, at or before maturity, the proceeds of which were paid in to this fund;

(e) To pay abatements of assessments and refund assessment receipts in error; and

(f) To pay all other costs, charges and expenses relating to the fund not otherwise provided for.

There shall be paid in to this fund:

(aa) The income and proceeds of all real and personal property of the City acquired or maintained out of this fund.

(bb) All collections of special assessments, with interest, levied against benefited property.

(cc) All moneys derived from the sale of bonds or certificates of indebtedness issued on account of, or for disbursement out of, this fund, including bonds and certificates of indebtedness issued and sold in anticipation of assessment collections.

(dd) Amounts from other City funds representing either (a) apportionments of costs properly chargeable to other funds, (b) benefit assessments against City property acquired or maintained out of other funds, and (c) appropriations from the general fund to maintain the integrity of the fund.

In order to anticipate the collection of assessment installments the Commission may by resolution issue and sell bonds or certificates of indebtedness, either pledging the full faith and credit of the City or on such limited credit and liability as to the Commission may appear reasonable or proper, in amounts equal to but not in

excess of such assessment installments remaining unpaid and with such rate of interest and maturity date for each bond or certificate as the Commission may determine, but no bond or certificate hereunder shall bear maturity date or become due or payable more than six (6) years from the date of such bond or certificate and no such bond or certificate shall bear a rate of interest exceeding six per cent (6%) per annum. The Commission may in its discretion either sell said bonds or certificates direct to investors or may contract for the sale of all such bonds or certificates that may be issued during any calendar year. No sale of any such bonds or certificates at less than par value or by contract shall be made except after advertising for bids at least one week prior to sale in the official newspaper of the City, and in such case sales shall be made to the highest responsible bidder. Bids may be asked on the basis of a rate of interest specified in the proposals and/or on the net interest basis on which the bidder will pay par for the same. The Commission may reject any and all bids.

(6) *A Public Utility Fund or Funds*, For the acquisition, construction, extension, maintenance, operation and repair of any public utility owned or operated by the City, including the payment of the interest on any bonds or other indebtedness which may be a lien upon such utility. There shall be paid in to this fund all moneys derived from the sale of bonds and certificates of indebtedness issued on account of any utility, and from the operation of such utility, and from the sale of any property acquired for or used in connection with, any such utility. Any surplus in said fund may be used for the purchase or redemption of any bonds or certificates of indebtedness issued against said utility, and for the payment of such bonds or other indebtedness upon their maturity. After the purchase, redemption, or payment of all such bonds and certificates of indebtedness, with interest, and after retaining such surplus as shall in the reasonable opinion of the Commission be unquestionably adequate and sufficient for the purposes of the fund, any part or all of the unencumbered surplus of the fund remaining may be transferred to the general fund by the Commission in its discretion. Separate funds and accounts shall be kept for each utility.

The Commission may by published resolution issue bonds or certificates of indebtedness for any of the purposes of the public utility fund or funds but each bond or certificate shall be issued only for one utility and shall be a specific lien upon the utility for which it is issued and shall be an obligation only of the fund of the utility for which issued and not a general or specific liability of the City. Said bonds or certificates shall be sold in the manner provided for the sale of bonds or certificates under the Permanent Improvement Fund.

(7) *A General Fund*, For the support of such other funds

except the public utility fund or funds and for the payment of such expenses of the City as the Commission may deem proper. In to this fund shall be paid all moneys not herein provided to be paid in to any other fund.

(8) *A Contingent Reserve Fund.* The Commission shall levy an annual tax of two (2) mills on the dollar of the taxable valuation of all real and personal property in the City, excluding moneys and credits, for the creation and maintenance of this fund, until there shall be in said fund the sum of Ten Thousand Dollars (\$10,000.00); after which time the Commission shall levy an annual tax of such amount, if any, not exceeding said two (2) mills, as may be necessary to maintain said sum of Ten Thousand Dollars (\$10,000.00) in said fund. This fund shall be used only for the acquisition or construction of property of a permanent nature for physical public betterment or improvement, the purchase of equipment therefor when first acquired or constructed, and any preliminary studies and surveys relative thereto. No disbursements shall be made from this fund except by published resolution.

SECTION 91. *Emergency Debt Certificates.* If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, then the Commission may by resolution issue and sell emergency debt certificates to mature not later than one year from the first day of July next following their date of issue, and to bear interest at not more than six per cent (6%) per annum. Said certificates shall be sold in the manner provided for the sale of bonds or certificates under the Permanent Improvement Fund. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The necessity for the issue of each such emergency debt certificate shall be declared by published resolution. The resolution may, however, if deemed necessary, be passed as an emergency resolution to take immediate effect without publication.

SECTION 92. *Bonds.* Except as specifically authorized by this Charter or by resolution duly adopted by the electors under the initiative provisions of this Charter, no power shall exist in the City Commission or in any other City officers to issue any bonds or certificates of indebtedness for any purpose; except that after bonds or certificates of indebtedness are lawfully issued the Commission shall have power from time to time to issue new bonds or certificates for the purchase, redemption, payment, retirement, or refunding of such outstanding bonds or certificates. Such new bonds or certificates may be issued and sold by the Commission by resolution but otherwise in the same manner and subject to the restrictions and provisions herein contained as to the issuance and

sale of such outstanding bonds or certificates.

SECTION 93. *Debt Limit.* The total bonded debt of the city, including all bonds and certificates of indebtedness however issued, shall never exceed ten per cent (10%) of the last taxable valuation of the real and personal property therein, excluding moneys and credits; but in computing the total bonded debt bonds or certificates of indebtedness shall not be included or counted if held in or issued for the sinking fund, the permanent improvement fund in anticipation of the collection of assessment installments, or the public utility fund or funds.

SECTION 94. *Tax Limit.* The aggregate amount levied by general taxation in any one year for all of said funds, not including the sinking fund or the contingent reserve fund, shall not exceed forty (40) mills on the dollar of the taxable valuation of all real and personal property in the City, excluding moneys and credits. A levy in excess of such limitation shall be void as to such excess.

SECTION 95. *Receipts to go to City Treasurer.* All receipts of money belonging to the City, or any branch thereof, excepting only those funds collected by the County Treasurer, shall be paid in to the City Treasurer by the person authorized to collect or receive the same during or at the close of the business day in which such moneys are collected or received. All moneys belonging to the City, including all moneys received upon tax settlements from the County Treasurer, shall be deposited as soon as received in a bank or banks approved by the City Commission.

SECTION 96. *Investment of Funds.* The Commission shall have power from time to time in its discretion to invest such funds of the City as to the Commission may appear proper in obligations of the United States or of the State of Minnesota, or general obligations of the City of Morris issued in anticipation of the collection of assessment installments; provided, however, that no such investment shall be made except of such funds as to the Commission appear clearly unnecessary for disbursement prior to the redemption or maturity dates of such obligations.

CHAPTER VIII.

Public Improvements and Special Assessments.

SECTION 97. *Power to make Improvements and Levy Assessments.* The City of Morris shall have the power to make any and every type of public improvement not forbidden by the laws of this State, and to levy special assessments for all such as are of a local character. The amounts assessed to benefited property to pay for local improvements may equal the cost of the improvement including damages, if any, and interest until paid, but shall in no case exceed the value of the benefits received by such property.

Public works including all local improvements may be constructed, extended, repaired and maintained either directly by day labor or by contract.

SECTION 98. *Regulations by Ordinance.* Immediately upon the taking effect of this Charter the Commission shall prepare and adopt a complete ordinance covering every type of public improvement and when this ordinance takes effect it shall supplant other provisions of law or Charter upon the same subject, except the provisions of this Charter. It may be amended from time to time as other ordinances. It shall classify public improvements in to three groups, as follows: first, those which shall be constructed or provided entirely from the general revenues of the City; second, those which shall be constructed or provided partly from general revenues and partly from special assessments; and third, those which shall be constructed or provided entirely by special assessments. The second class may be further subdivided. The ordinance shall provide a complete working code, covering petitions of resident property owners, the determination of assessments and assessment districts, public hearings, appeals from assessments and the trial thereof, reassessments, the spreading of not to exceed eighty per cent (80%) of the assessments over a period of not to exceed five (5) years, the collection of assessments along with other taxes or otherwise, penalties for delinquency in making payments, and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinance, all resolutions providing for public improvements shall conform to the regulations laid down in such ordinance.

CHAPTER IX.

Eminent Domain.

SECTION 99. *Power to acquire Property.* The City of Morris is hereby empowered to acquire, by purchase, gift, devise or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said City for any public use or purpose, and the fact that the property so needed has been acquired by the owner under the power of eminent domain, or is already devoted to public use, shall not prevent its acquisition by the City. Said power of the City to acquire property shall include the power to acquire, as provided by this Chapter, any gas, water, heat, power, light, telephone or other plant, or other public utility. 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 or this Charter.

SECTION 100. *Proceedings in Taking Property.* The necessity

for the taking of any property by the City shall be determined by resolution, which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of this State, except as otherwise provided in this Chapter. No new utility shall be acquired unless the necessity therefor is determined by resolution initiated by or submitted to the electors under the initiative provisions of this Charter, and adopted by a majority vote of the electors voting thereon. .

SECTION 101. *Payment of Award.* Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this chapter, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the City shall have expired, the City shall be bound to, and shall, within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six per cent (6%) per annum from the date of the confirmation of the award or judgment of the court, as the case may be; and if not paid, judgment therefor may be had against the City.

SECTION 102. *City may abandon Proceedings.* The City may, by resolution of the Commission at any stage of the condemnation proceedings, or at any time within thirty (30) days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of said court, or in case of an appeal to the district or supreme court at any time within thirty (30) days after final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall thereupon pay all costs thereof.

SECTION 103. *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 property composing such system, but all of the property, lands, articles, franchises, and rights which enter in to and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissioners on condemnation or other body assessing the damages. But this shall not prevent the City, in cases where the plant and property is separable in to distinct parts, from taking only such part or parts thereof as may be necessary in the public interest.

CHAPTER X.

Franchises.

SECTION 104. *Franchise Defined.* The word "franchise", as used in this Chapter, shall be construed to mean any special privilege granted for the purpose of profit to any person, co-partnership or corporation in, over, upon or under any of the highways or public places of the City of Morris, whether such privilege has been, or shall hereafter be, granted by the City of Morris, or by the State of Minnesota.

SECTION 105. *Franchise Ordinances—Publication.* The Commission may grant franchises by ordinance but in no case shall a franchise be granted by an emergency ordinance. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. It shall be without any validity whatever unless written acceptance thereof by the grantee shall be filed with the City Manager within thirty (30) days after its passage. Every such ordinance shall be published in the official paper of the City at least once each week for four successive weeks after its passage and shall take effect fifteen (15) days after its last or final publication, subject to acceptance by the grantee as hereinbefore provided, and subject to the referendum provisions of this Charter.

SECTION 106. *Franchise Required.* Franchise rights shall be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, or persons desiring to make use of the streets or public places, inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon, or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning, or telegraphing, or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, shall be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places.

SECTION 107. *Limitation.* No perpetual or exclusive franchise shall ever be granted, nor shall any franchise be granted for a longer period than twenty-five (25) years.

SECTION 108. *Power of Regulation Reserved.* The City shall have the right and power to regulate and control the exercise by any corporation, co-partnership, or person, of any franchise however acquired, and whether such franchise has been heretofore

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

SECTION 109. *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 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 appointment and procedure as the Commission may provide. The findings of such arbitral authority shall be advisory or mandatory as such authority may determine in each case.

SECTION 110. *Regulation of Rates and Charges.* The Commission may from time to time, by ordinance or published resolution, regulate and control the maximum price to be charged by any corporation or person exercising any franchise for the service rendered by it to the City and to any other person or corporation, but such price shall be fair and reasonable to such public service corporation or person and to the public. When any person or corporation affected by such ordinance or resolution shall believe the same to be unjust and unreasonable, he or it may test its justice or reasonableness by proper action in the courts, commenced within thirty (30) days after the passage of such ordinance or resolution, and in such action such order shall be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto.

SECTION 111. *Conditions in Every Franchise.* Every franchise and every extension or renewal thereof shall contain or be deemed to contain the following provisions, and in case such provisions are not specifically or accurately stated or contained in such franchise the grantee shall be as fully and completely bound thereby as though these provisions were specifically and accurately stated and contained therein:

(a) That the grantee shall be subject to and will perform on its part all terms of Sections 108, 109 and 110, hereof as well as all other pertinent provisions of this Charter.

(b) That the 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.

(c) That every grant in said franchise contained of permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or of pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent

or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Commission shall have the power to require such alterations therein, or relocation or re-routing 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 underground of all wires for whatsoever purpose used.

(d) That the Commission shall have the right to hear and determine what are just, fair and reasonable rates, fares and charges for public service and to order that only reasonable charges shall be imposed and to make effective such order by penalties and forfeitures. The granting of a franchise shall not be deemed to confer any right to include in the charge for service any return upon the value of the franchise or grant, and no such right shall exist.

(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 Manager an instrument duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee shall also file a bond in such amount and with such conditions as the 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 such franchise, extension or renewal shall not become binding upon the City or be or become of any force, validity or effect unless and until accepted in writing by the grantee within thirty (30) days after its passage by the Commission and before its submission to a vote of the people in case of a referendum; and that such acceptance shall be construed to be an acceptance of all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as of the provisions of this Charter.

(g) 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.

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

SECTION 112. *Further Provisions of Franchises.* The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall

not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Commission may deem proper to protect the City's interests, nor shall anything contained in this Charter limit any right or power possessed by the City over existing franchises.

CHAPTER XI.

Public Ownership and Operation of Utilities.

SECTION 113. *Acquisition and Operation of Utilities.* The City shall have power to acquire public utilities in the manner and by the proceedings provided in Chapter IX of this Charter. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

SECTION 114. *Rates and Finances.* Upon recommendations made by the City Manager or upon its own motion the Commission shall have the power to fix all rates and charges for water, light, heat, and all other utilities provided by plants owned by the City, but such rates and charges shall be just and reasonable. In like manner the Commission may prescribe the time and manner in which payments for all such services shall be made, and the manner in which water and electric current and other services shall be computed or measured, whether by meter or flat rate, and make such other regulations as may be necessary, and may prescribe penalties for violations of such regulations.

SECTION 115. *Purchase in Bulk.* The Commission may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and re-sell them to local consumers at such rates as it may fix.

SECTION 116. *City to pay for Services.* The Commission shall make a reasonable charge, based on the cost of service, for lighting the streets and public buildings, or for supplying heat, power, or any other utility, and a reasonable hydrant rental and other charges for supplying the City with water, and shall credit the same to the publicly owned utility supplying the service. Such rentals and other charges for light, heat, power, water, and other services, shall be collected in the same manner as from other consumers, unless the Commission provides some other plan.

SECTION 117. *Sale or Lease of Utility.* No public utility owned by the City, whether acquired prior to the adoption of this Charter or thereafter, shall be sold, leased, or otherwise disposed of by the City except by resolution adopted by vote of the people under the Initiative provisions of this Charter, which resolution shall contain the full terms of the proposition of such sale, lease or other disposition thereof, together with the price to be paid therefor.

CHAPTER XII.

Miscellaneous.

SECTION 118. *Fire Department and Relief Association.* The authority of the Commission granted by this Charter shall include authority by ordinance to organize or create a fire department and a firemen's relief association and if desired, to incorporate or to authorize incorporation of such firemen's relief association. Any such organization or corporation, whether voluntary or otherwise, shall at all times be subject to the full and complete supervision and control of the Commission.

SECTION 119. *Sale or Lease of Property.* No real property of the City, nor any personal property of a value exceeding one thousand dollars (\$1,000.00), shall be sold or leased for a term exceeding three (3) years except by published resolution, which resolution shall specify the fund or funds, in to which the proceeds of such sale or lease are to be paid. The proceeds of all sales and leases of real and personal property shall be paid in to the fund or funds out of which, or for the benefit of which, such property was acquired or maintained, unless, for cause stated, the resolution for sale or lease shall specify a different fund or funds.

SECTION 120. *Vacation of Highways.* The Commission shall have the power by published resolution to vacate or discontinue highways, including streets and alleys within the City. No such vacation or discontinuance shall be made by the Commission except upon petition of a majority of the owners owning a majority of the property upon the portion of the line of such highway proposed to be vacated, together with the distance of three hundred (300) feet in direct extension of such highway from each end of the portion proposed to be vacated. Such vacation may be made on such terms and by such procedure as the Commission may by such resolution provide.

SECTION 121. *Zoning.* For the purpose of promoting the health, safety, morals or general welfare of the City, the Commission may by ordinance regulate the location, height, bulk and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population and the use of buildings, structures and land for trade, industry, business, residence or other purposes, declare the existence and provide for the rehabilitation of blighted areas, provide for the acquisition of privately owned lands, buildings and other real property interests by the City for any of such purposes, and the sale or other proper disposal thereof, provide proper methods of procedure for any of such purposes, and make such other provisions as may appear proper for the purposes herein expressed.

SECTION 122. *Injuries or Damages.* No action shall be

maintained against the City on account of any injuries or damages to persons or property unless such action shall be commenced within one (1) year from the occurrence of the injury or damage, nor unless notice shall have been given in writing to the City Manager not less than ten (10) days prior to the action and within thirty (30) days of the occurrence of such injury or damage, stating the time when and the specific place where, and the circumstances under which, the same occurred, and that the person injured or damaged will claim damages of the City therefor; but such notice may be given at any time within six (6) months in case the person injured shall, in consequence thereof, die or be bereft of reason within said thirty-day period, or in case the Commission shall waive such 30 day limitation for reasonable cause.

SECTION 123. *Liability for Damages.* If any judgment shall be recovered in any action against the City for any injury or damage caused by any obstruction, excavation, opening, or defect in any street or alley or public ground, caused or occasioned by the act or omission of any person or corporation or if settlement be made by the City for any such injury or damage, the City shall have the right to recover the amount of any such judgment or settlement 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 judgment or settlement.

SECTION 124. *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 property or highway, whether such property or highway shall have been improved or not.

SECTION 125. *Present Officers.* All elective and appointive officers and board members of the City at the time of the taking effect of this Charter shall continue in their respective offices and functions for the terms for which they were elected or appointed prior to the taking effect of this Charter, and for such further terms, if any, and subject to such conditions and provisions as may be provided by this Charter.

SECTION 126. *Pending Proceedings.* Any condemnation, assessment, or other proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

SECTION 127. *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 128. *Inoperative Provisions.* Any provision of this Charter which now is or hereafter may become inoperative, invalid, or ineffective by reason of conflict or incompatibility with State or Federal Constitutions or laws shall become operative, valid and effective upon amendment or revision of such constitutions or laws whereby such provision might be adopted or might become operative, valid, or effective.

SECTION 129. *Ordinances to make Charter Effective.* The Commission is hereby empowered to, and it shall, by ordinance, make such regulations as may be necessary to carry out, enforce, and make effective the provisions of this Charter, and to prescribe penalties for the violation of the provisions hereof and of any ordinance or regulation not inconsistent with the laws of the State.

CERTIFICATE OF COMMISSION.

We, the undersigned, being the duly appointed, qualified, and acting members of the Board of Freeholders (Charter Commission) in and for the City of Morris, Stevens County, Minnesota, hereby certify that the foregoing document, consisting of 129 sections, numbered 1 to 129 inclusive, is the draft of a proposed new (revised) Charter for said City of Morris, prepared and framed by said Board of Freeholders and approved by said Board and the undersigned members thereof, and hereby affix our signatures to said draft and deliver the same to the Honorable Geo. S. Davidson, Mayor and the chief executive of the said City of Morris, to be submitted and for action as by law provided.

Dated at Morris, Minnesota, this 26th day of June, 1945.

J. J. Jones
E. C. Ketchum
W. K. Kellum
C. B. Schroeder
L. G. Morley
A. J. Galbraith
H. H. Storken
Jenneth McKay
Geo. Brandt
Arthur Opletka
E. G. Sawyer
J. J. Baert
W. M. Mielke
Allen W. Edson

[Signature]
City Attorney, as Attorney for
Charter Commission

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State of Minnesota)
County of Stevens)ss
City of Morris)

Charter Certificate

The undersigned, Geo. E. Davidson, does hereby certify;

That during all of the year 1945 he has been and still is the Mayor and Chief Magistrate and Chief Executive Officer of the City of Morris, Stevens County, Minnesota.

That by orders of March 24, May 16, June 8, and June 18, 1942, which orders were, at the time of the making thereof, duly filed with the clerk of the District Court of Stevens County, Sixteenth Judicial District, Minnesota, in which Judicial District the said City of Morris is situated, the judge of the said Judicial District duly appointed a board of fifteen qualified free-holders of the City of Morris, Minnesota, under Section 36 of Article 4 of the Constitution of the State of Minnesota and under Mason's Minnesota Statutes 1927, Section 1269, for a term of four years from March 24, 1942, to frame a new, amended, or revised charter for said City of Morris, and for such other and further general and specific purposes in relation to the charter of said city as then were or might thereafter be prescribed by law.

That the names of the free-holders so appointed were as follows: E. W. Eames, E. C. Ryhn, H. B. Olson, C. B. Sylvander, L. G. Morley, C. I. Dolva, H. N. Morken, Kenneth McKay, W. A. Brandt, Arthur Splitstoser, E. J. LaFave, J. C. Morrison, J. J. Baer, J. A. Mielke, Allan W. Edson.

That each of said free-holders duly made and filed with the Clerk of the District Court of said county his written acceptance and oath of office within thirty days after his appointment and, immediately after the appointment of said board, entered upon his duties as such free-holder and member of said board, and ever since has been and still is a duly appointed, qualified and acting member of said board of free-holders.

That within six months after its appointment, said board of free-holders returned to the then chief magistrate of the said city a draft of a proposed new charter, signed by all of the members of said board, and said charter was thereafter duly submitted to the qualified voters of said city at a special election on December 15, 1942, but that upon said election less than 4/7ths of the qualified voters voting at said election ratified the same, and said proposed charter was rejected.

That thereafter on June 26, 1945, said board of free-holders proposed another charter, being the "Proposed Revised Charter" hereto attached, and thereafter on November 14, 1945, returned a draft of said charter, signed by all of the members of said board, to the undersigned chief magistrate and executive officer of said city. That thereafter said charter was duly submitted to the qualified voters of said city at a special election on December 11, 1945, and that on said election more than 4/7ths of the qualified voters lawfully voting at said election ratified said charter and declared in favor of said proposed charter. The total votes cast being 240, of which 214 votes were cast in favor of said proposed charter and 26 votes were cast against said proposed charter. That thereafter the votes on said election were duly canvassed, and the results thereof declared as above stated.

NOW THEREFORE, this is to further certify that the "Charter of City of Morris, Minnesota", otherwise captioned "Proposed Revised Charter for the City of Morris Stevens County, Minnesota", hereto attached, bearing "Certificate of Commission" under date of the 26th day of June, 1945, was duly ratified and adopted by the voters of the City of Morris, Minnesota, as the charter for said city, on December 11, 1945, and that said charter will at the end of thirty days after said date become the charter of said city and supercede any existing charter and amendments thereof.

Dated December 15, 1945.

Geo. Davidson
Mayor, and Chief Magistrate and
Chief Executive Officer, of the
City of Morris, Minnesota.

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D.F.

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

DEC 1 9 1945

Wm. H. Johnson
Secretary of State.

MINNESOTA
DEPARTMENT OF STATE
ST. PAUL, MINN.
DEC 1 1945