

# **CHAPTER 1**

## **GENERAL PROVISIONS**

**Section 1.01 Name & Boundaries.** Upon the effective date of this Charter, the City of St. Francis (herein “the City”), located in Anoka County and Isanti County, Minnesota, shall continue to be a municipal corporation officially known as the City of St. Francis. The City shall have the same boundaries as currently exist or which may hereafter be established.

**Section 1.02 Powers of The City.** The City shall have all powers which may now or hereafter be possible for a city in this State to exercise in harmony with this Charter, the constitutions and other laws of this State and of the United States. It is the intention of this Charter that every power which the people of the City might lawfully confer upon themselves as such City shall be deemed as having been so conferred, whether or not it is enumerated in this Chapter. This Charter shall ~~not~~ be construed liberally in favor of the City, and specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred. The City may exercise any power given to statutory cities unless that power is specifically prohibited by this Charter. Except as otherwise provided by law, or delegated by the City Council (herein the “Council”), all other powers of the City are vested in the Council.

**Section 1.03 Charter A Public Act.** This Charter shall be a public act and need not be pleaded or proved in Court.

**Section 1.04 Meaning.** As used in this Charter, words of the male gender shall include the female and neuter, the singular shall include the plural and the plural shall include the singular, “may” is permissive, and “shall” is mandatory.

## **CHAPTER 2**

### **FORM AND ORGANIZATION OF GOVERNMENT**

**Section 2.01 Form of Government.** The form of government established by this Charter is the “Mayor - Council” plan. The council shall exercise the legislative power of the City and determine all matters of policy.

**Section 2.02 The Council - Composition, Qualification and Terms.** The elective officers of the City shall be a Mayor and four (4) Council persons who, together, shall compose the council. All members of the Council shall be elected at - large by and from the electors of the City. All elective officers shall take office and qualify at the time of the first regular Council meeting in the Month of January next following their election, and shall hold office until their successors have been elected and have qualified. The term of office of Mayor shall be two (2) years, and the term of office of each Council person shall be four (4) years. The Council shall be the judge, as to qualification only, of the election of the Mayor and Council persons. (Reference Section 5.01)

**Section 2.03 The Mayor.** The Mayor shall preside at meetings of the Council and shall have a vote as a member. The Council shall choose from its members an acting Mayor who shall hold office at the pleasure of the Council. The acting Mayor shall serve as Mayor in the Mayor’s absence. The Mayor shall be recognized as head of the City Government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purpose of martial law, and the Mayor shall have the administrative duties provided by this Charter. The Mayor will carry out duties otherwise provided by law or Charter.

**Section 2.04 Incompatible Offices.** No member of the Council shall hold any paid appointive office or paid employment for the City other than that to which the member was elected, although the member may be appointed to the office of Mayor in case of a vacancy.

**Section 2.05 Vacancies In Office.** A vacancy in office on the Council shall be deemed to exist in the case of the failure of any person elected or appointed to the Council to qualify on or before the date of the second regular meeting of the Council

following the person's election or appointment, or by reason of the death, resignation, removal from office, removal from the City, continuous absence from the City or from Council meetings for more than (3) months unless excused by the Council, being adjudged incompetent by a Court of appropriate jurisdiction, or conviction of a felony of any such person after his qualification. In such case the Council shall by resolution declare the vacancy to exist shall post and publish notice of vacancy and after thirty (30) days, appoint an eligible person to fill the vacancy until the next Municipal election.

**Section 2.06 Boards, Commissions and Committees.** The Council may by resolution establish, regulate and abolish such Committees from within its membership, and for such purposes as it shall deem necessary or desirable. The Council may establish, regulate and abolish such Boards and Commissions from without its membership to advise the Council with respect to any Municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions. If the purpose for which such Board or Commission is established is to continue beyond the period during which the initial membership thereof would be expected to serve, then establishment shall be by Ordinance, otherwise, it may be by resolution. A member of the Council shall not be disqualified from serving on a board or Commission. There shall be no separate administrative Board or Commission except for the administration of a function jointly with another political subdivision, a housing and redevelopment authority, economic development authority or other separate entity specifically permitted by Statute and the Council shall itself be and perform the duties and exercise the power of any such Board or Commission provided for by Statute except for a housing and redevelopment authority, economic development authority or other separate entity specifically permitted by Statute.

## **CHAPTER 3**

### **COUNCIL ORGANIZATION & PROCEDURE**

**Section 3.01 Council Organization.** At the first regular meeting in January following the regular City election, the newly elected members of the Council shall assume their duties. They shall proceed to elect by ballot an acting Mayor from the Council persons.

**Section 3.02 Council Meetings.** The Council shall meet at such time or times each month as may be prescribed or by resolution. In addition, the Mayor or any two (2) Council persons may call special meetings of the Council upon such notice as may be prescribed by Ordinance. (Amended 2016)

**Section 3.03 Rules of Procedure & Quorum.** The Council shall determine its own rules of procedure and order of business. Unless otherwise provided by this Charter, Ordinance, or other law, three (3) members of the Council shall constitute a quorum to act upon any matter, but a smaller number may adjourn from time to time.

**Section 3.04 Ordinances, Resolutions & Motions.** Except as otherwise provided in this charter or applicable law, all legislation shall be by ordinance or resolution. The Council shall by ordinance provide for the making and assessing of local improvements, issuance of bonds, and other matters relating to a specific municipal act and not of general application. The affirmative vote of at least three (3) members of the Council shall be required for the adoption of resolutions and motions except as otherwise provided in this Charter or other law. All matters of administration shall not require an Ordinance or Resolution, but may be accomplished by Motion. Action taken on Ordinances shall be by recorded roll call vote of the Council. No Ordinance shall contain more than one subject which shall be clearly expressed in its title.

**Section 3.05. Procedure on Ordinances.** The enacting clause of all Ordinances shall be the words, "The City of St. Francis Ordains". Every Ordinance shall be introduced in writing. No Ordinance, except an emergency Ordinance, shall be adopted at the meeting at which it is introduced. No Ordinance, except an emergency Ordinance, shall be introduced or adopted at any meeting other than a regular meeting.

Any person may obtain, free of charge, a copy of an Ordinance which has been introduced by making a request therefore at the administrative offices of the City. The free distribution shall not apply to an Ordinance Code book or to an individual Ordinances over ten (10) pages in length. Copies of the Ordinances shall be available for sale in the Clerk's office at a price established by the Council and as permitted by law except that there shall not be a charge for one copy of any ordinance or ordinances that are cumulatively less than ten (10) pages. All Ordinances shall be approved by a four - fifths (4/5) vote of the Council.

**Section 3.06. Emergency Ordinances.** An emergency Ordinance is an Ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare, in which the emergency is defined and declared in the preamble thereto. No prosecution shall be based upon provisions of an emergency Ordinance until twenty four (24) hours after the Ordinance has been adopted by the Council and posted in three (3) conspicuous places in the City, or until the Ordinance has been published once in the official newspaper, unless the person charged with the violation had actual notice of the adoption of the Ordinance prior to the act or omission of which complaint is made. All emergency Ordinances shall be approved by four - fifths (4/5) vote of the Council.

**Section 3.07. Amendment and Repeal of Ordinances.** Every Ordinance purporting to amend an Ordinance shall set forth therein the section or sections of the original Ordinance in the form that such section or sections will read, as amended. Every Ordinance for the repeal of an Ordinance shall refer to the Ordinance to be repealed by its number and caption. Repeal of codified Ordinances may be by reference to the subject matter, chapter, section, subdivision, subparagraph and item designations. Amendment of codified Ordinances shall refer to the chapter, section, subdivision, subparagraph, and item designations, if applicable, but shall also state the form in which such shall read, as amended.

**Section 3.08. Signing and Publication of Ordinances and Resolutions.** Every Ordinance or Resolution adopted by the Council shall be signed and attested by the officers. Every Ordinance shall be published once in the official newspaper except that if notice of the adoption of an emergency Ordinance is given by posting, then publication

shall not be required. Further if the Council determines that publication of the title and a summary of an Ordinance would clearly inform the public of the intent and effect of the Ordinance, the Council may by vote of four (4) of its members direct that only the title and summary of the Ordinance be published with notice that a printed copy of the Ordinance is available for inspection by any person during regular office hours at the office of the City Clerk and any other location which the Council designates. A copy of the entire text of the Ordinance shall be posted in a public location which the Council designates. Prior to the publication of the title and summary the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the Ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements of this Charter as completely as if the entire Ordinance had been published. The text of the summary shall be published in a body type no smaller than Brevier or eight - point (8) type, as defined in Minnesota Statutes.

**Section 3.09. When Ordinances and Resolutions Take Effect.** A Resolution and emergency Ordinance shall take effect immediately upon its adoption or at such later date as is fixed therein. Every other Ordinance shall take effect 30 days after the date of publication or at such later date as fixed therein. If, during the 30 days after the publication or before such later date if a later date is fixed in the Ordinance, a petition be made for Referendum by such percentage of the electors of the City as is required under Chapter 6 of this Charter, protesting against the passage of such Ordinance, the Ordinance will not take effect until the petition is determined to be insufficient and cannot be remedied pursuant to the provisions of Section 6.03 of this Charter, or the same is voted on at an election held for such purposes according to the provisions found in Section 6.05 of this Charter.

**Section 3.10. Codification of Ordinances.** The City may rearrange and codify its Ordinances with such additions and deletions as may be deemed necessary by the Council. Such Ordinance code shall be published in book, pamphlet or continuously revised loose leaf form and copies shall be made available by the Council at the administrative offices of the City for the general distribution to the public free or at a reasonable charge. Distribution in such published form shall be sufficient notice of any

Ordinance provision not previously published or posted if a notice that copies of the codification are available at the administrative offices of the City is published once weekly for at least two (2) successive weeks in the official newspaper.

## **CHAPTER 4**

### **ADMINISTRATION**

**Section 4.01. The Council.** The Council shall be the chief administrative body of the City.

**Section 4.02. Create & Abolish Departments.** The Council may, consistent with the provisions of this Charter, create, abolish, rearrange and combine such departments, and shall be approved by a four - fifths (4/5ths) vote of the council.

**Section 4.03. Divisions and offices of the administration.** The Council, may consistent with the provisions of this Charter make divisions and offices of the administration as it may deem necessary or proper, and from time to time alter their respective powers, duties and organization. The Council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and determine departmental organization. The Council shall prescribe the powers and duties of all officers and may assign particular officers to perform duties in two (2) or more departments. The Council shall make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City. The Council shall by Ordinance enact an administrative code, or an administrative chapter in an Ordinance code, for the organization and conduct of the City affairs.

**Section 4.04. City Clerk.** The Council shall hire a City Clerk. The City Clerk shall be the Secretary of the Council and as such shall keep all minutes of its proceedings. The City Clerks duties shall also involve keeping other records, custody and disbursement of funds, and such other matters of administration as may be prescribed by the Council, by Ordinance and by the Charter. The Council may appoint a Deputy Clerk who shall perform the duties of the City Clerk during the Clerk absence or disability.

**Section 4.05. Filing and Execution of Documents.** Unless otherwise specifically provided, filing of all documents provided for in this Charter or the Ordinances of the City shall be at the administrative offices the City. All contracts with the City, Ordinances and Resolutions of the Council, and other documents, shall be



executed in the name of the City and signed by the appropriate city officer such as the Mayor, Mayor Pro Tem, City Administrator or their designee and attested by the City Clerk or their designee.

**Section 4.06. City Employees, Their Wages, Salaries, Benefits and Regulations.** The Council shall have final authority with reference to employment, unpaid suspension in excess of five days or discharge of all hired officers and employees of the City, wage and salaries to be paid such hired officers, employees, benefits, supervision and line of authority, and all other matters of regulations, control and other contract provisions, subject to any Civil Service laws now in effect for the City or adopted in the future by the City. All hired officers and employees of the City shall serve at the pleasure of the Council.

**Section 4.07. Purchase and Sale Contracts.** The Council shall be the chief purchasing agent of the City. All City purchase and sale contracts shall be made or let under the direction of the Council. Contracts shall be made in compliance with any regulatory statute, and whenever competitive bid's are required, the contract shall be let to the lowest responsible bidder, provided, that any or all bids may be rejected. The Council may, provide a means for declaring chattels which come into the possession of the City, by whatever means whatsoever, to be surplus property, and providing for the classification and sale thereof upon such notice as the Council considers reasonable. The Council may, adopt further provisions for taking bids and letting contracts, including provisions as to notice.

**Section 4.08. Investigation of City Affairs.** The Council shall have the power to appoint any officer or officers to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The Council shall provide for an audit of the City's accounts at least once a year by the State Department in charge of such work, or an audit by a public accountant as permitted by law. The Council may at any time provide for examination or audit of the accounts of any officer or department of the City government, and it may cause to be made any survey or research of any subject of City concern.

## **Chapter 5**

### **Nominations and Elections**

#### **Section 5.01. General Provisions and Procedure.**

Subdivision 1. Definitions. The definitions set forth in the Minnesota Statutes, chapter 200 are hereby incorporated herein by reference.

Subdivision 2. Filing and Nomination. Not more than eighty-four (84) or less than seventy (70) days before the date of the election, an individual who is eligible and desires to have his name placed on the official ballot as a candidate for an office to be voted for at the election shall file his affidavit of candidacy with the City Clerk. The City Clerk shall also accept an application signed by not less than five (5) voters and filed on behalf of an eligible person whom they desire to be a candidate, if service of a copy of the application has been made on the candidate and proof of service is endorsed on the application being filed. A write-in candidate who wants their write-in votes to be counted in the general election must file a written request with the city clerk no later than seven (7) days before the general election. All write-in votes for candidates who have not filed a written request to have these votes counted shall be treated collectively as votes for a single nonqualified candidate referenced as "other". Upon receipt of a filing fee in the amount of five dollars (\$5.00) the City Clerk shall place the name of the candidate on the official ballot without partisan designation.

Subdivision 3. Notice. At least two (2) weeks before the first day to file affidavits or applications of candidacy, and at least two (2) weeks prior to each primary election, general election, and special election, the City Clerk shall publish and post in the Clerk's office a notice thereof.

Subdivision 4. Hours. The Council, by resolution adopted prior to giving notice of an election, may designate the time, which in no event shall be less than three (3) hours, during which the polling places will remain open for voting at the next succeeding and all subsequent elections until a new resolution establishing the election hours shall remain in effect until a new resolution is adopted establishing new hours.

Subdivision 5. Procedure. Subject to the provisions of the Charter and applicable State laws, the Council may by Ordinance further regulate the conduct of City elections. Except as otherwise provided in this Charter or in Ordinances adopted pursuant thereto, the general laws of the State of Minnesota pertaining to elections shall apply to the City elections to the extent such general laws are consistent with this Charter.

Subdivision 6. Withdrawal. A candidate for a City elective office may withdraw from the election by filing an affidavit of withdrawal with the City Clerk - ~~Treasurer~~ until 12:00 o'clock noon of the day after the last day for filing affidavits or applications of candidacy, and thereafter no candidate may withdraw.

Subdivision 7. Primary Election. Effective for the 2014 elections and thereafter, primary elections shall be held on the same date as prescribed by the Minnesota Statutes, which establishes the statewide primary election date. The primary election shall be for the selection of two nominees for each elective office at the regular municipal election, unless two nominees or fewer file for each elective office. In the event two nominees or fewer file for an elective office, the names of such nominees shall be placed on the municipal general election ballot as the nominee for that office and no primary election shall be held for such elective office.

**Section 5.02. General Election.** The general election shall be held on the first Tuesday after the first Monday in November in every even numbered year. As to candidates for office, the candidate(s), equal to the number of offices to be filled, receiving the largest number of votes shall be declared elected, and shall forthwith be notified in writing by the City. In case of a tie vote for any office the Council shall at the time of meeting to canvass the election returns determine the tie by lot.

**Section 5.03. Special Elections.** A special election may be ordered by resolution of the Council on its own motion to decide any question that has not been submitted to the voters in an election within the previous six (6) months; provided, that if the general election is no more than six (6) months from the date of such Council action the question shall be submitted to the voters at the time of the general election.

## **Chapter 6**

### **Initiative and Referendum**

**Section 6.01. General Voter Authority.** The voters of the City shall have the right, in accordance with this Chapter, to propose Ordinances and to require Ordinances to be submitted to a vote by processes known respectively as the initiative and the referendum.

**Section 6.02. Petitions.** An initiative or referendum shall be initiated by a petition signed by registered voters of the City equal in number to twenty per cent (20%) of those who voted in the last preceding election. Each petition shall be sponsored by a committee of five (5) voters whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 6.04 or 6.05 as the case may be. Each signer shall sign his name and give his street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the City. Any person whose name appears on a petition may withdraw his name by a statement in writing filed with the City before the Council is advised of the sufficiency of the petition. A petition for initiative may be filed at any time, except that if an Ordinance has been presented by initiative, and has failed to have been voted for by the majority of those voting on the Ordinance, then the same Ordinance cannot be submitted by petition for initiative prior to six (6) months after the election at which it was voted down. A petition for referendum must be filed at the City Hall with the City Clerk prior to the Ordinance's effective date as determined under Section 3.09 of this Charter.

**Section 6.03. Determination of Sufficiency and Disposition.** The petition for initiative or referendum shall be filed at the City Hall and the City Clerk shall examine the petition and place it on the agenda for the next regularly scheduled City Council meeting. At such meeting the City Clerk shall report to the Council the number of voters equal to twenty per cent (20%) of the total numbers of voters registered on the date of the last preceding regular Municipal election, the City Clerk shall also report to the Council the number of signers of the petition who are registered voters of the City. If the Council determines that the petition is insufficient or irregular, it shall order a copy of the petition, together with a written statement of its defects, returned to the sponsoring committee. The committee shall have thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If, at the end of that period, the Council finds that the petition is still insufficient or irregular, it shall order the petition filed and notify the sponsoring committee of the defects. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the Council from referring the ordinance to the voters at the next regular or special election at its option.

**Section 6.04. Initiative.** Any Ordinance, except an emergency Ordinance relating to the budget or capital program, the appropriation of money, the levy of taxes, or the salaries of City officers or employees, may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the proposed Ordinance. If the Council passes the proposed Ordinance with amendments and a majority of the sponsoring committee do not disapprove the amended form by a statement filed with the City within ten (10) days of its adoption by the Council, the Ordinance need not be submitted to the voters. If the Council fails to enact the Ordinance in an acceptable form within sixty (60) days after the final determination of sufficiency of the petition, the Ordinance shall be placed on the ballot at the next election occurring in the City. If no election is to occur within one hundred eighty (180) days after the filing of the petition, the Council shall call a special election on the Ordinance to be held within such period. If a majority of those voting on the Ordinance vote in favor, it shall become effective immediately, or on a later date specified therein.

**Section 6.05. Referendum.** Any Ordinance subject to the initiative may be subject to a referendum by a petition which shall state, at the head of each page or on an attached paper, a description of the Ordinance. Any Ordinance upon which a petition is filed, other than emergency Ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the Ordinance is not thereafter entirely repealed, it shall be placed on the ballot at the next regular City election or at a special election called for that purpose, as the Council determines. If a majority of the voters vote thereon favor the Ordinance, it shall go into effect immediately or on the date specified in the Ordinance. If a majority of the voters voting against the Ordinance, it shall be considered repealed upon certification of the election results. If no petition is filed against an emergency Ordinance, the Ordinance shall remain in effect but shall be repealed if a majority of the voters voting on the Ordinance vote against it.

**Section 6.06. The Recall.** Any five (5) electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer in the City. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred fifty (250) words, and their intention to bring about his recall. A copy of this certificate shall be part of each signature paper and no signature paper shall be put into circulation previous to such certification.

**Section 6.07. Recall Petition.** The petition for the recall of any official shall consist of a certificate identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by registered voters of the City equal to at least twenty per cent (20%) of the total number of voters registered on the date of the preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Recall Petition

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

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

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

Name	Address
1.	
2.	

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

**Section 6.08. Filing of Recall Petition.** Within thirty (30) days after the filing of the original certificate, the committee shall file the complete petition in the office of the City Clerk. The City Clerk shall examine the petition within the next five (5) days, and if he finds it irregular in any way, or finds that the number of signers is less than a number of voters equal to twenty per cent (20%) of the total number of voters registered on the date of the last preceding regular municipal election, he shall so notify in writing by registered or certified mail at their last known address five members of the committee. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk - ~~Treasurer~~ finds the petition still insufficient or irregular, he shall notify, in writing, all members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

**Section 6.09. Recall Election.** If the petition or amended petition is found sufficient, the City Clerk shall transmit it to the Council without delay, and shall notify in writing the person sought to be recalled of the sufficiency of the petition and of pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election not less than thirty (30) no more than forty five (45) days after such meeting, but if any other election is to occur within sixty (60) days after such meeting the Council may in its discretion provide for the holding of the recall election at that time.

**Section 6.10. Procedure at Recall Election.** The City Clerk shall include with the published and posted notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as fair as possible, in accordance with the usual procedures in municipal elections.

**Section 6.11. Form of Recall Ballot.** Unless the officer whose removal is sought resigns within ten (10) days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall be as near as may be:

“Shall.....be recalled?” the name of the officer whose recall is sought being inserted in the blank, and the electors shall be permitted to vote separately

“YES” or “NO” upon this question.



## Chapter 7

### Taxation and Finances

**Section 7.01. Council to Control Finances.** The Council shall have full authority over the financial affairs of the City. It shall provide for the Collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of City money.

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

**Section 7.03. System of Taxation.** Subject to the State Constitution, and except as forbidden by it or by State law, the Council shall have full power to provide by Ordinance for the system of local taxation. This authority includes the power to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by State Constitution, by this Charter or by the laws imposing restrictions upon the City irrespective of Charter provisions, provided, that adoption of such Ordinances shall not be required except to supplement the provisions of this Charter.

**Section 7.04. Board of Equalization.** The Mayor and at least two (2) Council persons selected by the Council shall sit as a board of Equalization to equalize assessments of property for taxation purposes according to law.

**Section 7.05. Preparation of Annual Budget.** An annual budget shall be prepared. The Council shall specify the officer responsible therefore, the procedure for its preparation, and its form and content. The budget must show comparative figures for the current fiscal year, actual and estimated, and actual figures from the preceding year.

**Section 7.06. Adoption of the Budget.** The budget shall be the principal item of the business at the first or second regular monthly meeting of the Council in September and the Council shall hold continued meetings from time to time until all the estimates have been considered. The budget estimates may be read in full, or copies thereof

distributed, and the officer preparing the same shall explain the various items thereof as carefully as may be deemed necessary by the Council. The meetings shall be conducted so as to give interested citizens a reasonable opportunity to be heard. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the City for the ensuing fiscal year for the funds budgeted. It shall indicate the funds to be raised and from what sources and the sums to be spent and for what purposes. The total sum appropriated shall not exceed the total estimated revenue. The Council shall adopt the budget, at the time required by law, by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for the purposes of the budget control. The Council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with law. At the beginning of the fiscal year the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other.

**Section 7.07. Enforcement of the Budget.** It shall be the duty of the Council to enforce strictly the provisions of the budget. It shall not approve any order upon the City Treasury for any expenditure unless an appropriation has been made in the budget resolution, nor for any expenditure covered by the budget resolution unless there is sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding encumbrances. No officer or employee of the City shall place any order or make any purchase except for the purpose and to the amount authorized in the budget resolution.

**Section 7.08. Alterations in the Budget.** After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipt exceed the estimates and then not beyond the actual receipts. The Council may at any time, by resolution of four fifths (4/5<sup>th</sup>) of its members, reduce the sums appropriate for any purpose by the budget resolution, or authorize the transfer of

sums from unencumbered balances of appreciation's in the budget resolution to other purposes.

**Section 7.09. Emergency Appropriation in Budget.** The Council may include an emergency appropriation as a part of the budget but not to exceed ten per cent (10%) of the total budget at any time. A transfer from the emergency appropriation to any other appropriation shall be made only by an affirmative vote of four fifths (4/5<sup>th</sup>) of all member of the Council.

**Section 7.10. Making Disbursements.** No disbursements of the City funds shall be made except by check signed by the officers authorized by this Charter to sign contracts and specifying the purpose for which the disbursement is made and the fund from which it is drawn. No check shall be issued until there is money to the credit of the fund from which it is to be paid sufficient to pay it, together with all outstanding orders upon the fund. Provided, that a negative balance may be shown where there are other credits or receivable at the time the order is drawn sufficient to cover all orders. The Council may, by Ordinance, make further regulations for the safe keeping and disbursements of the funds of the City. Such Ordinances may, among other things, authorize the use of facsimile signatures.

**Section 7.11. Fund to be Kept.** The City Treasury shall be classified as to funds and shall provide for a general fund for the payment of such expenses of the City as the Council may deem proper, and such other funds as may be required by statute, Ordinance or resolution to make interfund loans except from trust and agency funds, as may be deemed necessary and appropriate from time to time. The Council shall have full authority by Ordinance or resolution to make permanent transfer between all funds which may be created, provided that such transfers are not inconsistent with the provisions of this Charter or State Statute.

**Section 7.12. Accounts and Reports.** The Council shall prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with this Charter, Ordinances and other law. The Council may require monthly or quarterly statements showing the amount of money in the City Treasury, the status of all funds, the amount

spent chargeable against each of the annual budget allowances and the balances left in each, and such other information about the finances of the City as the Council may require. An annual audit by State Auditor or a firm of Certified Public Accountants shall be submitted to the Council covering the entire financial operation of the City for the past year.

**Section 7.13. City Indebtedness.** Except as provided in Sections 7.14 and 7.15, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other Municipal purpose in accordance with law and within the limits prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by State law, no such obligations shall be issued and sold without the approval of a majority of the electors of the City voting thereon at a general or special election.

**Section 7.14. Tax Anticipation Certificates.** At any time after January 1<sup>st</sup> following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed ninety per cent (90%) of the total current taxes for the fund uncollected at the time of issuance plus the cash on hand in the fund. Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due and payable not later than the first (1<sup>st</sup>) day of April of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates in order of their issuance against the fund.

**Section 7.15. Emergency Debt Certificates.** If any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by Ordinance issue and sell on such terms and in such manner as the Council determines, emergency debt certificates to run not to exceed three (3) years. A tax sufficient to pay principal and interest on such certificates with a margin required by

law shall be levied as required by law. The Ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a four fifths (4/5<sup>th</sup>) vote of the members of the Council. It may be passed as an emergency Ordinance.

**Section 7.16. Capital Improvement Program.** The Council shall direct the preparation and submission to it of a recommended five year capital improvement program no later than July first (1<sup>st</sup>) of each year. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five (5) fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a Public Hearing on the capital improvement program and adopt it with or without amendment no later than August fifteenth (15<sup>th</sup>).

## **Chapter 8**

### **Public Improvements & Special Assessments**

**Section 8.01. Power to Make Improvements & Levy Assessments.** The City 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 to pay all or any part of the cost of such improvements. The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvement, including all costs and expenses connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property. Any collector street or sidewalk shall be assessed at fifty per cent (50%) to the benefited property.

**Section 8.02. Assessments for services.** The Council may provide by ordinance that the cost of City services to streets, sidewalks, or public property, or to private property, may be assessed against property benefited, which assessments shall be collected in the same manner as special assessments. Such Ordinances may include, but not by way of limitation, provisions for collection as special assessments of delinquent City utility accounts and charges. In such cases, the property benefited shall be deemed to be the premises upon which such utilities were delivered or services rendered.

**Section 8.03. Local Improvements Regulations.** After this Charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by law (or Charter provisions) applicable thereto. The Council shall prepare and adopt a comprehensive local improvement Ordinance prescribing the procedure which shall be followed in making all local improvements and levying assessments therefore with three fourths (3/4<sup>th</sup>) majority approval of properties that will benefit. The Council may elect to use the State Law or the Local Improvement Ordinance for the purpose of providing local improvements and assessments therefore.

**Section 8.04. Public Works; How Performed.** Public Works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by City employees, by day labor, or by contract. The City shall require contractors and all persons furnishing labor and materials under contracts to give the City bonds for the protection of the City pursuant to the laws of the State.

## **Chapter 9**

### **Eminent Domain**

**Section 9.01. Acquisition of Property.** The City may acquire, by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain, the City shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law. No Council person or consultant(s) shall participate in discussion or vote on any preliminary or final acquisition of property belonging to himself or under his control except to the extent of his right as a citizen to object.



## **Chapter 10**

### **Franchises**

**Section 10.01. Franchises Required.** Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi - permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the City. A franchise shall be granted only by Ordinance, which shall not be an Emergency Ordinance. Every Ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise Ordinance and shall make a sufficient deposit with the City to guarantee publication costs before the Ordinance is passed.

**Section 10.02. Term.** No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty five (25) years shall be effective until approved by a majority of the electors voting thereon.

**Section 10.03. Public Hearing.** Before any franchise Ordinance is adopted, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

**Section 10.04. Power of Regulation Reserved.** Subject to any applicable law the Council may by Ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, Ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain. Any regulatory Ordinance may provide that the grantee shall be obligated by the City to pay to the City fees to raise revenue or defray increased costs accruing as a result of utility operations, or both, including, but not limited to, a sum of money based upon gross operating revenues or gross earnings from its operation in the City.

**Section 10.05. Renewals or Extensions.** Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

## Chapter 11

### Public Ownership and Operation of Utilities

**Section 11.01. Acquisition and Operation of Utilities.** The City may own any gas, water, heat, power, light, telephone, transportation, or other public utility for supplying its own needs for utility service, or for supplying utility services to private consumers or other governmental agencies. Subject to applicable law, it may construct all facilities reasonably needed for that propose and may acquire any existing utility properties so needed; but no proceedings to acquire such public utility shall be consummated unless the City has money in the Treasury to pay for the acquisition or has made provisions for paying for the property proposed to be acquired. The operation of all public utilities owned by the City shall be under the supervision of the City Council. The City shall not acquire or construct such utility has been incorporated in an Ordinance and adopted by the Council. Such Ordinance shall not be an emergency Ordinance.

**Section 11.02. Rates and Finances.** The Council may fix rates, fares, and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable. In like manner the Council may prescribe the time and manner in which payments for all such services shall be made, and make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

**Section 11.03. Purchase In Bulk.** The Council may, in lieu of providing for the local production of gas, electricity, water and other utilities purchase the same in bulk and resell them to consumers at such rates as it may fix.

**Section 11.04. Lease of Plant.** Subject to applicable law, the Council may, if the public interest will be served thereby, contract with any person, CO - partnership or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may be deem necessary; but such contract shall be embodied in and let only by an Ordinance approved by four - fifths (4/5<sup>th</sup>) members of the Council and subject to popular referendum. Such Ordinance shall not be an emergency Ordinance. In no case shall such contract be for a longer term than ten (10) years.

**Section 11.05. Public Utility; How sold.** No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are approved by a majority of the registered electors voting thereon.

## Chapter 12

### Miscellaneous and Transitory Provisions

**Section 12.01. Official Publications.** The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published Ordinances and other matters required by law to be published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

**Section 12.02. Oath of Office.** Every officer of the City, board and commission member, shall, before entering upon the duties of his office, take and subscribe an oath of office in substantially the following form: “I do solemnly swear (or affirm) to support the Constitution of the United States and of this State and to discharge faithfully the duties devolving upon me as (Mayor, Council person, etc.) of the City of St. Francis to the best of my judgment and ability.”

**Section 12.03. Sale of Real Property.** No real property of the City shall be disposed of except as authorized by Ordinance. The net cash proceeds of any sale of the property shall be used to retire and outstanding indebtedness incurred by the City in the acquisition or improvement of the property. Any remaining net proceeds shall be used to finance other improvements in the capital improvement budget or to retire any other bond indebtedness.

**Section 12.04. Vacation of Streets.** The Council may, by Resolution adopt by a four fifths (4/5ths) vote of all members, vacated any street, alley or highway (herein “street”). Proceedings for such vacation shall be commenced (1) by the Council on its own motion where, in its discretion, a public purpose might serve thereby and where both ends of such street connect with another street, or (2) by petition signed by a majority in number of the owners of land abutting on the street or part thereof proposed to be vacated and where both ends of such street connect with another street, or (3) by petition signed by all of the owners of land abutting on the street or part thereof proposed to be vacated where one end of such street does not connect with another street. Before considering such vacation, the Council shall call a hearing thereon and give notice, starting time, place and purpose of such hearing, be certified mail to all abutting owners who have not

signed a petition for vacation, and to the public by publication once each week for two successive weeks. At such hearing all persons desiring to be heard shall be given that opportunity. A certified copy of a resolution vacating a street shall be filed with the proper county officers.

**Section 12.05. City to Succeed Rights and Obligations.** The City, upon the taking effect of this Charter, shall succeed to all the property, rights and privileges, and shall be subject to all the legal obligations of the City under the former Charter.

**Section 12.06. Statutes not Affected by Charter.** All general laws and statutes of the State applicable to all cities operating under home rule Charters, or applicable to the cities of the same class as the City operating under home rule Charters, and not inconsistent with the provisions of this Charter, shall apply to the City, and shall be construed as supplementary to the provisions of this Charter. No special law of the State applicable to the City shall be affected by the provision of this Charter.

**Section 12.07. 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 12.08. Pending Condemnation, Improvements and Assessments.** Any condemnation, improvement or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

**Section 12.09. Designating Depositories.** The Council shall annually designate depositories for City funds. Such depositories may be banks or savings associations. The Council shall limit such depositories, or provide adequate protection for such funds, as set forth by Statute.

**Section 12.10. Official Interest in Contracts.** Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract

with the City shall voluntarily have a personal financial interest in or personally benefit from such contract.

**Section 12.11. Effective Date of This Charter.** This Charter shall be effective seven (7) days following the election at which it has been approved. Approval must be by an affirmative vote of fifty - one per cent (51%) of all votes cast.

**Section 12.12. Terms of Present Officials.** Terms of present elected officials of the City shall not be affected by adoption of this Charter.

**Section 12.13. Official Bonds.** The Council may designate certain officials to be covered, either individually or by a “blanket” type, corporate surety bond as security for the faithful performances of duties and the safe keeping of public funds.

**Section 12.14. Disposal of Unclaimed, Surplus and Excess Property.** The Council may by Ordinance provide a method of disposal of unclaimed, surplus and excess property. Such Ordinance shall provide for the type of notice of sale, if any, which may vary with the estimated value of the property to be sold.

## **Chapter 13**

### **Charter Commission**

**Section 13.01. Meeting.** The Charter Commission shall meet at least once during each calendar year, and as is necessary to respond to petitions of the voters under State Statute. The Charter Commission shall adopt rules of procedure for meetings.

**Section 13.02. Annual Report.** The Commission shall develop an annual report which shall be submitted to the City Council and the Chief Judge of the Tenth Judicial District on or before December 31st of each year. A copy of said report shall be made available to the public at City Hall.

**Section 13.03. Size of Commission.** The Charter Commission shall be made up of seven (7) members who shall be qualified voters residing within the City.

**Section 13.04. Removal From Office.** Any member may be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order. When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the Commission, the secretary of the Charter Commission shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal and the chief judge shall fill the vacancy created thereby.