

HOME RULE

CHARTER

of the

CITY OF REDWOOD FALLS

MINNESOTA

Accepted by Voters August 6, 1974

Effective September 5, 1974

**HOME RULE CHARTER
of the
CITY OF REDWOOD FALLS**

CHAPTER 1

Name, Boundaries, Powers, and General Provisions

SECTION 1.01. Name and Boundaries. The City of Redwood Falls, in the County of Redwood 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 Redwood Falls, with the same boundaries as now are and hereafter may be established.

SEC. 1.02. Powers of the City. The City shall have all powers which it may now or hereafter be possible for a Municipal Corporation in this State to exercise in harmony with the Constitution of this State and of the United States. It is the intention of this Charter that every power which the people of the City of Redwood Falls might lawfully confer upon themselves, as a Municipal Corporation, by specific enumeration in this Charter shall be deemed to have been so conferred by the provisions of this Section. This Charter shall be construed liberally in favor of the City, and the 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.

SEC. 1.03. Charter a Public Act. This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty days from and after its adoption by the voters.

CHAPTER 2

Wards and Precincts

SECTION 2.01. Wards and Precincts. The City of Redwood Falls shall be divided into three (3) wards, with the same boundaries as now are and hereafter may be established.

SEC. 2.02. Change of Wards and Precincts. Each ward in the City shall constitute at least one election district, and additional election districts may be established and the boundaries thereof subsequently changed by ordinance or resolution of the Council for the purpose of reapportionment, adopted at least ninety (90) days before the next ensuing election; and sixty (60) days posted notice thereof shall be given before the change shall take effect, provided however the Council shall have no power to change the number of wards.

CHAPTER 3

Form of Government

SECTION 3.01. Form of Government. The form of government established by this Charter is the Mayor-Council Plan. There shall be a Mayor and a Council consisting of five (5) Council Members who shall be qualified electors. One Council Member shall be elected from each ward and two (2) Council Members shall be elected at large. The terms of all elective officers shall begin on the first business day of January following a regular municipal election.

SEC. 3.02. The Mayor. The Mayor shall be the presiding officer at all meetings of the Council. S/He shall exercise all powers and perform all duties conferred and imposed on him/her by this Charter, the ordinances of the City and the laws of the State. S/He shall appoint a City Administrator, and all Department Heads and all members of commissions. S/He shall be recognized as the official head of the City for all ceremonial purposes, by the Courts for the purpose of serving civil process, and by the Governor for the purpose of martial law. In time of public danger or emergency, s/he shall take command of the police, maintain order and enforce the law. The Mayor shall not have the right to vote, but s/he shall have the right to veto any action taken by the Council. The Mayor may concur in any action taken by the Council and in such event, the concurrence of the Mayor shall be noted in the minutes and the action taken shall be effective immediately. The Mayor may veto within three working days any action with which he has not concurred by filing said veto in writing with the City Administrator. If an action of the Council is not concurred in or vetoed within three working days, it shall have the same effect as if concurred in by the Mayor. The Mayor shall serve for a term of four years and until his/her successor is elected and qualified.

SEC, 3.03. The Council. The Council shall choose from its members a Chairperson who shall serve as Mayor Pro-Tem in the Mayor's absence and as Mayor in case of the Mayor's death or disability. The Council shall exercise the legislative power of the City and determine all matters of policy. The Council shall have the right to override any veto by the Mayor by an 80 per cent vote of the full Council membership at its next regularly scheduled meeting. The Council shall approve, by simple majority of members present, all appointments made by the Mayor. In the event there is not a majority vote for an appointee of the Mayor, the Mayor shall submit a new appointee within thirty days. If a majority of the Council does not approve the new appointee or if the Mayor fails to submit an appointee, the Council may make its own appointment by a four-fifths vote of all its members. Each Council Member shall serve for a term of four years and until his/her successor is elected and qualified.

Source: City Charter
Accepted by Voters: 08-06-74
Effective: 09-05-74

§ 3.04

SEC. 3.04. Commissions. The Council may establish commissions to advise the Council with respect to any municipal function or activity, to investigate any subject of interest to the City and to operate utilities, parks and public services or to perform quasi judicial functions. All previous boards and commissions shall now be designated as commissions. *To be eligible for appointment as a member of any such commissions, an individual must either be a qualified elector, or be the owner or lessee of taxable real property located within the corporate boundaries of the City of Redwood Falls, or the spouse of such an owner or lessee, said property not being tax delinquent, with the exception that elected officials or salaried employees of the City may not serve during the period of their employment or term of office.* All commissions shall be composed of five members. Terms of appointment shall be for three years. No member shall succeed himself after three consecutive full terms. A vacancy will automatically exist if a commission member shall miss three scheduled meetings in succession and shall be replaced in the same manner as when a vacancy is created by a resignation or by any member not being able to serve because of sickness or any other cause. A scheduled meeting shall be defined as a meeting held after a minimum of 24 hours notice.

Source: Charter Amendment
Election: 12-07-82

*Source: Charter Amendment
Election: 11-03-98*

SEC. 3.05. Any Incumbent Mayor or Council Member who becomes a candidate by filing for any other elected municipal office shall resign his present office effective the first working day of the new year.

SEC. 3.06. Vacancies in the Council. A vacancy in the Council shall be deemed to exist for any of the reasons for which public offices become vacant by State Statute. In each such case, the Council shall, by resolution, declare such vacancy to exist, and the Mayor, with the approval of the Council, shall forthwith appoint an eligible person to fill the same until the next regular election.

SEC. 3.07. Investigation of City Affairs. The Mayor and the Council, or either of them, shall have the power to make investigations into the City's affairs, to subpoena witnesses, administer oaths and compel the production of books and papers. The 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 by a certified public accountant. The Council may, at any time, provide for an 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 study of any subject of municipal concern.

SEC. 3.08. Administrative Coordination. Except for the purpose of inquiry the Mayor or the Council and its members shall deal with and control the administrative services solely through the City Administrator.

CHAPTER 4

Procedure of Council

SECTION 4.01. Council Meetings. On the first business day of January following a regular municipal election, the Council shall meet for the purpose of organization. At this time all newly elected officials shall take the oath of office. Thereafter the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor or any three members of the Council may call special meetings of the Council. All meetings of the Council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

SEC. 4.02. Secretary of Council. The Mayor shall designate any employee of the City to act as Secretary of the Council. The Secretary shall keep a journal of Council proceedings.

SEC. 4.03. Rules of Procedure and Quorum. The Council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

SEC. 4.04. Ordinances, Resolutions and Motions. Except as in this Charter otherwise provided, all legislation shall be by ordinance. The yes and no vote on ordinary resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of the members of the Council, shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this Charter.

SEC. 4.05. Procedure on Ordinances. The enacting clause of all ordinances passed by the Council shall be in words, "The City of Redwood Falls does ordain". Every proposed ordinance shall be presented in writing. At least seven days shall elapse between the introduction of an Ordinance and its final passage except for emergency ordinances. Amendments may be made at any time prior to final passage.

SEC. 4.06. 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 a preamble thereto. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the City Administrator and until the ordinance has been publicized, unless the person charged with violation, had actual notice of the passage of the ordinance prior to the act.

SEC. 4.07. Procedure on Resolutions. Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

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SEC. 4.08. Signing and Publication of Ordinances and Resolutions. Every ordinance or resolution passed by the Council shall be signed by the Mayor or two members of the Council, attested by the City Administrator and filed and preserved by him/her. Every ordinance shall be published once in the official newspaper. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute of Minnesota, a State administrative rule or a resolution, a code, or ordinance or part thereof without publishing the material referred to in full.

Source: City Charter
Accepted by Voters: 08-06-74
Effective: 09-05-74

SEC. 4.09. When Ordinances and Resolutions Take Effect. A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed therein. Other ordinances shall take effect after passage and publication or at such later date as is fixed therein. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon its adoption, or at such later time as is fixed therein.

Source: Charter Amendment
Election: 12-05-78

SEC. 4.10. Amendment and Repeal of Ordinances and Resolutions. Every ordinance or resolution amending or repealing a previous ordinance or resolution or section or subdivision thereof shall state clearly the action taken.

SEC. 4.11. Revision and Codification of Ordinances. The City may revise, 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 looseleaf form and copies shall be made available by the Council at the office of the City Administrator for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Administrator is published in the official newspaper for at least two successive weeks.

Source: City Charter
Accepted by Voters: 08-06-74
Effective: 09-05-74

CHAPTER 5

Nominations and Elections

SECTION 5.01. The Regular Municipal Election. A regular municipal election shall be held on the first Tuesday after the first Monday in November of each year commencing in 1983 at such place or places as the City Council may designate. The City Administrator shall give at least two weeks previous notice of the time and place of holding such election and of the officers to be elected by publicizing in at least one official newspaper.

Source: Charter Amendment
Election: 12-07-82

SEC. 5.02. Special Elections. The Council may by resolution order a special election and provide all means for holding it. At least two weeks published notice of a special election shall be given in the official newspaper. The procedure at such election shall conform to that prescribed for other municipal elections.

Source: City Charter
Accepted by Voters: 08-06-74
Effective: 09-05-74

SEC. 5.03. Nomination by Filing. Effective for municipal elections in years commencing in 1987, an individual who is eligible and desires to become a candidate for office to be voted for at the election, shall file an Affidavit of Candidacy with the City Administrator within the time period provided in MSA 205.13, Subd. 1, as amended, and shall pay a filing fee of \$10.00. The Affidavit shall be in substantially the same form as provided in Minnesota Statutes 204B.06, Subd. 1, as amended. In addition, the City Administrator shall also accept an application signed by not less than five voters and filed on behalf of an eligible voter in the municipality who they desire to be a candidate provided service of a copy of the application has been made on the proposed candidate, proof of service on the proposed candidate is endorsed on the application being filed and the \$10.00 filing fee is paid.

Source: Ordinance No. 114, 2nd Series
Effective Date: 12-04-86

SEC. 5.04. Canvass of Elections. The Council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Administrator. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) a true copy of the ballots used; (d) the names of judges and clerks of election; and (e) such other information as may seem pertinent. In event of tie vote a special election shall be initiated by the City Council no later than 30 days from

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date of original election between those involved in the tie. The City Administrator shall

forthwith notify all persons of their election.

SEC. 5.05. Procedure at Elections. Subject to the provisions of this Charter and applicable State laws, the Council may, by ordinance, further regulate the conduct of municipal elections. Except as otherwise provided in this Charter or in ordinance adopted pursuant thereto, the general laws of the State of Minnesota pertaining to elections shall apply to municipal elections.

CHAPTER 6

Initiative, Referendum, and Recall

SECTION 6.01. Powers, Reserved by the People. The people of Redwood Falls, Minnesota reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when passed by the Council to be referred to the electors for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall respectively.

SEC. 6.02. Expenditures by Petitioners. No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring any expense not to exceed \$50.00 for stationery, copying, printing, and notaries fees. Any violation of the provisions of this Section is a misdemeanor.

SEC. 6.03. Further Regulations. The Council may provide by ordinance such further regulation for the initiative, referendum, and recall, not inconsistent with this Charter, as it deems necessary.

Initiative

SEC. 6.04. Initiation of Measures. Any five electors may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition they shall file a verified copy of their proposed ordinance with the City Administrator together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

SEC. 6.05. Form of Petition and of Signature Papers. The petition for the adoption of any ordinance shall consist of the ordinance, together with all signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten per cent of the total number of votes cast at the last regular municipal election. All the signatures need not be on one signature paper, but the circulator of each such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in the following form:

Initiative Petition

Proposing an ordinance to _____ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of electors:

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

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

1. _____	_____
2. _____	_____
3. _____	_____

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

SEC. 6.06. Filing and Petitions and Action Thereon. All the signature papers shall be filed in the office of the City Administrator as one instrument. Within five days after the filing of the petition, the City Administrator shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least ten per cent of the total number of number of electors who cast their votes at the last regular municipal election. If s/he finds the petition insufficient or irregular, s/he shall

at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his/her finding. The committee shall then be given 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 petition is found to be still insufficient or irregular, the City Administrator shall file it in his/her office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the ordinance to the electors at the next regular or any special election at its option.

SEC. 6.07. Action of Council on Petition. When the petition is found to be sufficient, the City Administrator shall so certify to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than 65 days after the date upon which it was submitted to the Council by the City Administrator. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least 15 per cent of the total number of voters voting at the last regular municipal election, the Council shall call a special election upon the measure. Such special election shall be held not less than 30, nor more than 45 days from date of final action on the ordinance by the Council or after the expiration of 65 days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Administrator within ten days of the passage thereof by the Council, the ordinance need not be submitted to the electors.

SEC. 6.08. Initiation of Charter Amendments. Nothing in this Charter shall be construed as in any way affecting the right of the electors under the Constitution and Statutes of Minnesota to propose amendments to this Charter.

SEC. 6.09. Referendum. If prior to the date when an ordinance takes effect a petition signed by qualified voters of the City equal in number to 15 per cent of the total vote at the last regular municipal election is filed with the City Administrator requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The Council shall

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thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case, the Council may immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified. The Council on its own motion may submit an ordinance to a referendum.

SEC. 6.10. Referendum Petitions. The requirements laid down in Sections 6.04 and 6.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

Referendum Petition

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

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

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

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

§ 6.11

Recall

SEC. 6.11. The Recall. Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected official of the City. The committee shall certify to the City Administrator the name of the officer whose removal is sought, a statement of the grounds for removal, and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

SEC. 6.12. Recall Petitions. The petition for the recall of any official shall consist of a certificate identical with that filed with the City Administrator together with all signature papers and affidavits thereto attached. 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 the following form:

Recall Petition

Proposing the recall of _____ from his/her 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.

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Name

Address

1. _____
2. _____
3. _____

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

SEC. 6.13. Filing of Petition. Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Administrator. The City Administrator shall examine the petition within the next five days, and if s/he finds it irregular in any way, or finds that the number of signatures is less than 25 per cent of the total number of electors who cast their votes at the last regular municipal election, s/he shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If, at the end of that time, the City Administrator finds the petition still sufficient or irregular, s/he shall notify all the members of the committee to that effect and shall file the petition in his/her office. No further action shall be taken thereon.

SEC. 6.14. Recall Election. If the petition or amended petition is found sufficient, the City Administrator shall so certify to the Council without delay and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election within 45 days after such meeting.

SEC. 6.15. Procedure at Recall Election. The City Administrator shall include with the published notice of the election the statement of the grounds for the recall and also, the answer of the official concerned in justification of his/her course in office.

SEC. 6.16. Form of Recall Ballot. Unless the official whose removal is sought resigns within ten days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall 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. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office and the office declared vacant.

CHAPTER 7

Administration of City Affairs

SECTION 7.01. The City Administrator. The City Administrator shall be the administrative officer of the City. S/He shall be appointed solely on the basis of his/her training, experience and administrative qualifications and need not be a resident of the City at the time of his/her appointment.

SEC. 7.02. Duties of the City Administrator. Subject to the provisions of this Charter and any Council regulations consistent therewith, the City Administrator shall control and direct the administration of the City's affairs. S/He shall have the powers and duties set forth in the following subdivisions:

Subd. 1. S/He shall see that this Charter and the laws, ordinances and resolutions of the City are enforced.

Subd. 2. S/He shall attend all meetings of the Council, with the right to take part in the discussion but not to vote. S/He shall be an advisory member of all commissions.

Subd. 3. S/He shall recommend to the Council for adoption such measures as s/he may deem necessary for the welfare of the people and the efficient administration of the City's affairs.

Subd. 4. S/He shall keep the Council fully advised as to the financial condition and needs of the City, and s/he shall prepare and submit to the Council the annual budget.

Subd. 5. S/He shall perform such other duties as may be prescribed by this Charter or by law or required of him/her by ordinances or resolutions adopted by the Council.

SEC. 7.03. Departments of Administration. The Council may create such departments, commissions, and subordinate officers for the administration of the City's affairs as it may deem necessary. It may, in conjunction with the City Administrator, prepare a complete administrative code for the City and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

CHAPTER 8

Taxation and Finances

SECTION 8.01. Council to Control Finances. The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and shall make appropriations for the payment of all liabilities and expenses.

SEC. 8.02. Fiscal Years. The fiscal year of the City shall be the calendar year.

SEC. 8.03. System of Taxation. Subject to the State Constitution, and except as forbidden by it or by State legislation, the Council shall have full power to provide by ordinance for a system of local taxation.

SEC. 8.04. Board of Equalization. The Council shall constitute a Board of Equalization to equalize assessments of property for taxation purposes according to law.

SEC. 8.05. Preparation of the Annual Budget. The City Administrator shall prepare the estimates for the annual budget. The budget shall be by funds and shall include all the funds of the City, except the funds made up of proceeds of bond issues, and special assessment funds, and may include any of such funds at the discretion of the Council. The estimates shall be submitted to the Council at its first regular monthly meeting in September and shall be made public.

SEC. 8.06. Passage of the Budget. The budget shall be the principal item of business as the first regular monthly meeting of the Council in September and the Council shall hold adjourned meetings from time to time until all the estimates have been considered. The 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 and shall be signed by the majority of the Council when adopted. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purposes. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The Council shall adopt the budget after a public meeting not later than the first week of October 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 purpose of budget control. The Council shall also adopt a resolution levying whatever monies 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.

SEC. 8.07. Enforcement of the Budget. It shall be the duty of the City Administrator to enforce strictly the provisions of the budget. S/He shall not approve any order upon the Treasury of the City 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 a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and incumbrances. No officer or employee of the City shall place any order nor make any purchases except for a purpose and to the amount authorized in the budget resolution. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

SEC. 8.08. 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 receipts exceed the estimates and then not beyond the actual receipts. The Council may at any time, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

SEC. 8.09. Emergency Appropriations to Budget. The Council may include an emergency appropriation as a part of the budget, but not to exceed 10 per cent of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a majority vote of the Council and shall be used only for the purpose designated by the Council.

SEC. 8.10. Disbursements, How Made. No disbursements of City funds shall be made except by check signed or stamped by the City Administrator and Mayor. The stamp shall be an authorized facsimile of his/her signature and shall be used by him/her or a person designed by him/her. The check shall specify the purpose for which the disbursement is made and the fund from which it is drawn. No such 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 encumbrances upon the fund. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll or time sheet approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The City Administrator shall note on each contract requiring the payment of money by the City the particular fund out of which it is to be paid. The Council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the City.

SEC. 8.11. Funds to be Kept. There shall be maintained in the City Treasury the funds provided for in the following subdivisions:

Subd. 1. A general fund, for the payment of such expenses of the City as the Council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund.

Subd. 2. The Council may establish an imprest fund for the payment of such expenses in cash for any proper claim against the City which it is impractical to pay in any other manner, except that no claim for salary of any employee shall be paid from such fund. The Council shall appoint the City Administrator as custodian of such fund and s/he shall be responsible for its safekeeping and disbursement according to law.

Subd. 3. The Council may create either by ordinance or resolution any other funds which it may deem necessary for the proper operation of the City's financial affairs.

SEC. 8.12. Accounts and Reports. The City Administrator shall be chief accounting officer of the City and every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter, and the ordinances adopted in accord therewith. S/He shall submit to the Council a statement each month showing the amount of money in the custody of the City Administrator, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information about the finances of the City as the Council may require. Once each year on or before the last day of January, the City Administrator shall submit a report to the Council covering the entire financial operations of the City for the past year. This report shall show the actual receipts and expenditures omitting duplications and stating the cash balance at the beginning of the last fiscal year and at the close; the total outlays for operation and maintenance and the total capital outlays; the condition of each of the funds; the total receipts by sources and the total expenditures by general purposes; the total outstanding bonds and debts of the City when due, the amount of new bonds issued and the amount redeemed and the interest rate of each; the condition of all the annual budget allowances; an inventory of all the property owned by the City; and such further information as the City Administrator deems advisable or the Council requires.

SEC. 8.13. City Indebtedness. Except as provided in Sections 8.14 and 8.15, 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 limitations prescribed by law.

SEC. 8.14. Tax Anticipation Certificates. At any time after January 1 following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the 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 90 per cent of the total current taxes for the fund uncollected at

§ 8.14

the time of issuance. Such certificates shall be issued on such terms and conditions as

the Council may determine and shall bear interest at a rate not to exceed the legal limits, but they shall become due and payable not later than the 1st 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 the order of their issuance against the fund.

SEC. 8.15. 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, the Council may, by ordinances, issue and sell on such terms and in such manner as the Council determines, emergency debt certificates to run not to exceed two years and to bear interest at not more than legal limits per year. A tax sufficient to pay principal and interest on such certificates with the 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 majority of the Council. It may be passed as an emergency ordinance.

Source: City Charter
Accepted by Voters: 08-06-74
Effective: 09-05-74

SEC. 8.16. Certificates of Indebtedness. The Council may issue certificates within existing debt limits for purpose of purchasing fire or police equipment or ambulance equipment or street construction or maintenance equipment, but in no case shall the amount of the net debt resulting from the issuance of certificates of indebtedness exceed 2% of the assessed valuation of the City. Such certificates shall be payable in not more than five years and shall be issued on such terms and in such manner as the Council may determine. If the amount of the certificates to be issued to finance any such purchase exceeds one per cent of the assessed valuation of the City excluding money and credits, they shall not be issued for at least ten days after publication in the official newspaper of a Council resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition signed by voters equal to ten per cent of the number of voters at the last municipal election is filed with the clerk, such certificates shall not be issued until the proposition of their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on such certificates as in the case of bonds.

Source: Charter Amendment
Election: 12-07-82

CHAPTER 9

Public Improvements and Special Assessments

SECTION 9.01. Power to Make Improvements and 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 as are of a local character. The amount 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.

SEC. 9.02. Assessments for Services. The Council may provide by ordinance that the cost of services to streets, sidewalks, or other public property, or the costs of any services to other property undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

SEC. 9.03. 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 the law (or Charter provisions applicable thereto). The Council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. In the absence of such ordinance, all local improvements may be made and assessments levied therefor as prescribed by any applicable law.

SEC. 9.04. Public Works; How Performed. Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly by day labor or by contract. The City shall require contractors to give bonds for the protection of the City and all persons furnishing labor and materials pursuant to the law.

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 therefor 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 Administrator to guarantee publication before the ordinance is passed.

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

SEC. 10.03. Public Hearing. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the Council, 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 days prior to the date of the hearing.

SEC. 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.

SEC. 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. The City shall have the power to acquire public utilities as provided when approved by the electorate in the manner and by the majority required by the laws of the State of Minnesota.

SEC. 11.02. Rates and Finances. The Council by resolution may establish rates, fares and prices for municipal utilities and services, but such rates, fares and prices shall be established after study of commission recommendations. In like manner, the Council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

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

SEC. 11.04. Lease of Plant. The Council may, if the public interests will be served thereby, contract with any responsible person, co-partnership, or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by four members of the Council and subject to referendum. Such ordinance shall not be an emergency ordinance.

SEC. 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 embodied in an ordinance approved by the electorate in the manner and by the majority required by the laws of the State of Minnesota.

CHAPTER 12

Miscellaneous and Transitory Provisions

SECTION 12.01. Official Publications. The Council shall annually designate a legal newspaper as provided by the laws of Minnesota.

SEC. 12.02. Oath of Office. Every officer of the City shall, before entering upon the duties of her/her 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 Member, etc.) of the City of Redwood Falls to the best of my judgment and ability."

SEC. 12.03. City Officials-Conflict of Interest. City officers involved in contracts with the City must comply with State Statutes.

SEC. 12.04. Official Bonds. The City Administrator and such other officers or employees of the City as may be provided for by ordinance shall each, before entering upon the duties of her/her respective office or employment, give a corporate surety bond in such form and in such amount as may be fixed by the Council as security for the faithful performance of his/her official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds at the discretion of the Council. They shall be approved by the City Council and approved as to form by the City Attorney, and filed with the City Administrator. The provisions of the laws of the State relating to official bonds shall be complied with. The premiums of such bonds shall be paid by the City.

Source: City Charter
Accepted by Voters: 08-06-74
Effective: 09-05-74

SEC. 12.05. Sales of Real Property. No real property of the City shall be disposed of except by ordinance.

Source: Charter Amendment
Election: 12-05-78

SEC. 12.06. Vacation of Streets. The Council may, by ordinance approved by a majority of the Council, vacate any street or alley or part thereof within the City. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the Council, by ordinance, may prescribe. A notice of completion of such proceedings shall be filed with the proper County officers in accordance with the law.

SEC. 12.07. City to Succeed to Rights and Obligations of City Under Former Charter. The City shall succeed to all the property, rights, and privileges and shall be subject to all legal obligations of the City under the former Charter.

SEC. 12.08. Succession of Elected Officials. A regular City election shall be held within 60 days of passage of this Charter, at which time one new Council member shall be elected for a term running until succeeded on the first business day in January, 1977. A regular City election shall be held on the first Tuesday after the first Monday in December, 1975 and annually thereafter. At the election in 1975, the Mayor shall be elected for a term of four years, but thereafter his/her successor shall be elected for a term of three years. At the election in 1975, two Council-Members shall be elected to fill the offices of members whose terms expire. At the election in 1976, one Council Member shall be elected to fill the term expiring at that time.

At the election in 1977 and in 1978 two Council Members shall be elected. At all regular elections thereafter, officials shall be elected to succeed the officials whose terms expire on the first business day in January following.

The term of office of all elected officials shall commence on the first business day of January following their election. All Council Members elected in 1975 and thereafter shall hold office for a term of four years. All elected officials holding office on the effective date of this Charter shall hold office until their successors have qualified.

SEC. 12.09. Statutes Not Affected by Charter. All general laws and statutes of the State applicable to all cities operating under home rule charters shall apply to the City of Redwood Falls, and shall be construed as supplementary to the provisions of this Charter.

SEC. 12.10. Existing Ordinances Continued. All ordinances and regulations of the City in force when this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

SEC. 12.11. Existing Commissions and Departments to Continue. Existing commissions, departments and officials shall continue to exist until re-established by ordinance within 180 days after acceptance of this Charter.

SEC. 12.12. Pending Condemnations and Assessments. Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

SEC. 12.13. Ordinances to Make Charter Effective. The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

TO: Honorable Mayor of the City of Redwood Falls, Minnesota

FROM: Redwood Falls Charter Commission

We the undersigned, being heretofore appointed by the Honorable Milton Mason, Judge of the District Court of the Fifth Judicial District, State of Minnesota, as and for a Board of Freeholders to prepare a proposed Charter for the City of Redwood Falls, Minnesota do hereby pursuant to the order of said Court present to you as the Mayor and Chief Executive Officer of the City of Redwood Falls, Minnesota the foregoing document as and for a proposed "Home Rule Charter" of the said City of Redwood Falls, Minnesota.

Dated at Redwood Falls, Minnesota, this 12th day of July, 1974.

W. W. Boysen	Marshall K. Kittelson
L. Phillip Oman	Paul A. Asleson
Cyril M. Keltgen	David G. Wood
Mrs. Jack Weeks	E. E. Bieber
M. E. Dirlam	Arlan W. Fuhr
John Buckley	Claude A. Beager
Mrs. Glenn E. Nelson	Orin Register

Members of the Board of Freeholders

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