Foreword:

This booklet contains the complete text of the Home Rule City Charter of the City of St. James, Minnesota 56081.

It has been accepted by the St. James City Council through the recommendations of the Charter Commission.

Final adoption date is April 3, 1998.

The physical layout, format, codification are designed to make local laws more accessible to lay persons, for it is closest to them and touches their lives every day.

This charter is dedicated to this purpose.

Mayor: Gary L. Sturm

Aldermen: Robert G. Christianson  
              Harvey Voth  
              Don Mackey  
              Paul Nordstrom  
              Larry Miller

City Manager-Clerk-Treasurer:  
              Malcolm L. Tilberg

City Attorney: Steve Sunde

Organized: 1870

Municipal Corporation: April, 1871

Charter: 1918

Revised Charter: 1952

Present Charter: 1998
HOME RULE CHARTER

CITY OF ST. JAMES, MINNESOTA

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FORMER CHARTER REPEALED

The Charter of the City of St. James adopted November 15, 1951, as amended, is hereby amended by striking out all of the provisions thereof and substituting therefore the foregoing Charter of the City of St. James consisting of Chapters 1 through 14, inclusive.

We do hereby respectfully propose and submit for adoption, pursuant to the laws of the State of Minnesota, the foregoing proposed amendment to said City Charter as returned and proposed by us, the undersigned Charter Commission of City of St. James, this 16th day of December, 1997.

Charter Commission Members

Robert G. Christianson, Chairman
Loren Hurley
Ann Brehmer
Robert Kline
Linda Buller
Harvey Woth

Final Adoption by the City Council: April 3, 1998

Charter was received and attested to by

Malcolm L. Tilberg
City Manager-Clerk-Treasurer

Gary L. Sturm
Mayor

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SECTION 12.09. ORDINANCE TO MAKE CHARTER EFFECTIVE.
- The Council shall by ordinance, resolution or other appropriate action take such steps as are necessary to make effective the provisions of the Charter.

SECTION 12.10. PRESENT OFFICERS CONTINUED.
- The present officers of the City shall continue in their respective offices and functions and shall continue to govern the City under the laws and Charter previously in effect until the officers provided for by this Charter have been elected and qualify. They shall make such financial and other provisions for the fiscal year as will serve to carry on the government until a government has been set up under this Charter, and they shall make provision for the election of the City Council as provided in this Charter.

SECTION 12.11. CITY PROPERTY NOT LOST BY ADVERSE POSSESSION.
- No right, title, estate or easement of the City in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the City in favor of any person occupying any public property, or highway, whether such property shall have been improved or not.

SECTION 12.12. EFFECTIVE DATE OF THIS CHARTER
- This Charter shall take effect on the date or at the time stated in the amending ordinance or, if an election is held authorizing its adoption, then it shall take effect on the first day of the first month more than forty-five (45) days following the date of such election.
SECTION 12.05.  VACATED STREETS
- The Council may by ordinance, approved by at least sixty percent (60%) of the Council, vacate any street or alley or other public grounds thereof within the City. Such vacating 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 law.

SECTION 12.06.  CITY TO SUCCEED TO RIGHTS and OBLIGATIONS OF FORMER CITY
- The City shall succeed to all the property, rights, and privileges, and shall be subject to all legal obligations of the City under the former Charter.

SECTION 12.07.  EXISTING ORDINANCES CONTINUED.
- All ordinances and regulations of the City in force when this Charter takes effect are continued in full force and effect until amended or repealed.

SECTION 12.08.  PENDING CONDEMNATIONS, 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 as if this Charter had not been adopted.
SECTION 12.02. OFFICIAL BONDS.
- The City Manager, the City Clerk, the City Treasurer and such other officers or employees of the City as may be specified by ordinance shall each, before entering upon the duties of their respective office or employment, give a corporate safety bond to the City as security for the faithful performance of official duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as the Council determines and may be either individual or blanket bonds in the discretion of the Council. They shall be approved by the City Council and filed with the City Clerk. The provisions of State laws relating to official bonds not inconsistent with this Charter shall be complied with. The premiums on such bonds shall be paid by the City.

SECTION 12.03. 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 12.04. SALE OF REAL PROPERTY.
- No real property of the City shall be disposed of except by resolution adopted by a majority vote of the alderpersons; provided, however, that within thirty (30) days after the final publication of the resolution ten (10%) percent of the qualified voters voting at the last election for Mayor may petition the City Council for an election upon the sale of real property, or the Council may by resolution order and direct an election upon the question of sale of real property. In the event of an election a sixty (60%) percent majority vote shall be required to authorize such sale. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction or improvement of such real property, but if there is no outstanding indebtedness, then the Council by a resolution may designate some other public use for such proceeds.

HOME RULE CHARTER
of the
CITY OF ST. JAMES, MINNESOTA

CHAPTER 1

NAME, BOUNDARIES, POWERS and GENERAL PROVISIONS

SECTION 1.01. NAME and BOUNDARIES.
- The City of St. James, Watonwan County, Minnesota shall continue to be a municipal corporation under that name and with the boundaries of the City of St. James as are set forth in the original Charter, amendments thereto, and by virtue of annexation as are now or hereafter may be established.

SECTION 1.02. WARDS
- The City of St. James is hereby divided into two wards called the first and second ward respectively and to be limited and bounded as follows:

Subdivision 1. FIRST WARD.
- The First Ward of the City of St. James is all the area that lies west of Armstrong Boulevard South, and Armstrong Boulevard North excluding property south of Eleventh Avenue South and East of Fifth Street South.

Subdivision 2. SECOND WARD.
- The Second Ward of the City of St. James is all the area that lies east of Armstrong Boulevard South and Armstrong Boulevard North including property south of Eleventh Avenue South and east of Fifth Street South.
Subdivision 3.
- The City Council shall, following each federal census, consider ward boundaries. In the event current boundaries are found to cause a differential of ten percent (10%) of the City’s population, the Council shall change such boundaries to make the wards as nearly equal in population as practicable. Such change shall be done by ordinance.

SECTION 1.03. 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 to confer upon the City every power which it would have if it were specifically mentioned. The Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other Sections of this Charter does not limit the powers of the City to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council. The jurisdiction of the City, for suppression of disorders, the abatement of public nuisances, the regulation of any business or traffic, contrary to the City Code of the City, shall extend for a distance of one (1) mile beyond the limits thereof, except for in matters involving zoning and subdivision regulations, in which cases the jurisdiction of the City shall extend a distance of two (2) miles beyond the corporate limits.

SECTION 1.04. CHARTER A PUBLIC ACT
- This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty (30) days from and after its adoption by the voters.

SECTION 1.05 WORD USAGE.
- For purposes of this Charter, words used in the present tense shall include the future; words in the singular shall include the plural, the plural the singular; the words in the masculine shall include the feminine, and the feminine the masculine.

SECTION 11.04. LEASE OF PLANT.
- The Council may by ordinance contract with any person, firm, or corporation for the operation of any municipal utility for a term not to exceed ten (10) years. Such ordinance shall not be an emergency ordinance.

SECTION 11.05. SALE OF PUBLIC UTILITY.
- 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 a majority of the voters voting thereon at a general or special election. In addition, any sale, lease or abandonment of a public utility shall be subject to the requirements of state law.

❖ CHAPTER 12 ❖

GENERAL PROVISIONS

SECTION 12.01. OFFICIAL PUBLICATION.
- The Council shall annually at its first meeting of the year 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 so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.
CHAPTER 11

PUBLIC OWNERSHIP
and OPERATION OF UTILITIES

SECTION 11.01 ACQUISITION and
OPERATION of UTILITIES

- The City may own and operate any gas, water, heat, power, light,
television or other public utility for supplying its own needs for utility ser-
vice, or for supplying utility service to private consumers, or both. Subject
to applicable law, it may construct all facilities reasonably needed for that
purpose and may acquire any existing utility properties so needed; but no
proceedings to acquire such public utility shall be consummated unless the
City has the money in the treasury to pay for acquisition or has made pro-
vision 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
Council.

SECTION 11.02. RATES AND FINANCES.

- Upon recommendations make by the City Manager or upon its
own motion, the Council may fix rates, fares and prices for municipal utili-
ties, 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 may 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.

CHAPTER 2

THE COUNCIL, DEPARTMENTS, BOARDS
AND COMMISSIONS

SECTION 2.01. FORM OF GOVERNMENT.

- The form of government established by this Charter is the
“Council-Manager Plan.” Except as otherwise provided by law or this
Charter, all powers of the City are vested in the Council. The City Manager
shall be the head of the administrative branch of the City government and
shall be responsible to the Council for the proper administration of all City
affairs.

SECTION 2.02. BOARDS and COMMISSION.

- There shall be no separate administrative board of health, library
board, or any other administrative board or commission except for the
administration of a function jointly with another political subdivision. The
Council shall itself be and perform the duties and exercise the powers of
such boards and commissions provided for by statute. The Council may,
however, establish boards or commissions 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. The following departments
of the City of St. James are hereby created: water quality; street; liquor
store; light; fire; health; police; planning; and the Council may create such
other departments for the administration of the City’s affairs as may seem
necessary. The Council from time to time may define, alter or combine the
powers and organizations of departments, boards, commissions or bureaus.

SECTION 2.03. ELECTIVE OFFICERS.

- The elective officers of the City shall be the members of the
Council and the Mayor, all of whom shall be residents of their respective
wards, and qualified electors of said City. The Mayor shall hold his/her
office for the term of two (2) years, and have no vote in the proceedings in
said Council except in the case of a tie vote. The two (2) alderpersons shall
hold their offices for the term of four (4) years, and shall vote in all matters coming before the Council. All elective officers shall assume office commencing on the first regular meeting in January, next following their election and until their successors are elected and qualified. The present officers of the City shall continue in their respective offices and functions, and shall continue to govern the City in the usual manner until the expiration of their present terms.

SECTION 2.04. COUNCIL.

The Council shall be composed of the Mayor and five (5) alderpersons or “council members.” Two (2) alderpersons shall be elected by and from the electors of each ward of said City respectively, and one (1) alderperson shall be elected by and from the electors of City at large. The alderperson elected at large shall be president pro-tempore of the Council. The Mayor shall be elected by and from the electors of City at large.

SECTION 2.05. INCOMPATIBLE OFFICES.

- No member of the Council shall hold any other municipal office or become an employee of said City while serving as a Council member. No former member shall be appointed to any paid office or employment of the City, which office or employment was created, or the emoluments of which were increased during a Council member’s term in office, until two (2) years after the expiration of the term for which elected.

SECTION 2.06. VACANCIES.

- A vacancy in the Council shall be deemed to exist in case of the failure of any person elected thereto to qualify within thirty (30) days from and after election, or by reason of death, resignation, removal from office, removal from the City, continuous absence from the City for more than four (4) months, or by conviction of a felony of any such person whether before or after qualification; or by reason of any failure of any alderperson, as the case be, without good cause to perform any of the duties of the office or membership in the Council for a period of three (3) months. In each case, the Council by resolution shall declare such vacancy to exist, and, except in

Subdivision 3. 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 registered voters shall be permitted to vote separately “yes” or “no” upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: “Candidates to fill the place of __________, if recalled”; but the officer whose recall is sought shall not be a candidate upon such ballot. 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 candidate who receives the highest number of votes for the vacancy shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular election.

SECTION 10.10. 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.
SECTION 10.09. RECALL OF ELECTED OFFICIALS.

- Any elected official of the City may be recalled by a committee certifying to the City Manager the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words, and their intention to bring about a recall ballot. 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. In the case of recall, the number of signers of the petition shall be not less than twenty-five (25%) percent of the number of voters casting ballots in the last regular municipal election.

Subdivision 1. If a petition or amended petition is found sufficient, the City Manager shall transmit it 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 election not less than forty-five (45) nor more than sixty (60) 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.

Subdivision 2. The City Manager shall include with the published or posted notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of the officer's course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

the case of the office of Mayor, shall forthwith appoint an eligible person to fill the vacancy until the next regular municipal election.

SECTION 2.07. THE MAYOR, POWERS and DUTIES

Subdivision 1. The Mayor shall be the presiding officer of the Council; except that the Alderperson elected at large shall serve as presiding officer in the Mayor's absence, and as Acting Mayor in case of the Mayor's disability preventing performance of the duties of office, or in case of the Mayor's absence from the City. The Acting Mayor, while serving as presiding officer or performing other duties as Mayor, shall have a vote as Mayor, but not an additional vote as an Alderperson.

Subdivision 2. The Mayor shall be the Chief Executive Officer of the City and shall have command and control of its police force subject to the advice and consent of the City Council. The mayor shall exercise all powers and perform all duties conferred and imposed upon him/her by this Charter, the ordinances of the City, and the constitution and statutes of the State of Minnesota.

Subdivision 3. In the event of a vacancy in the office of Mayor, whether by death, resignation, or any other cause, the Council forthwith shall order a special election to fill the vacancy for the unexpired term; provided that if such vacancy occurs less than six (6) months from the expiration of the term of the Mayor, the duties of Mayor shall rest upon and be discharged by the president pro tempore of the Council in full and to all intents and purposes as if said president pro tempore were the duly elected and qualified Mayor.
SECTION 2.08  VETO POWER

- Every ordinance or resolution of the Council shall be presented to the Mayor for approval before it takes effect. If he/she approves it, he/she shall sign the same, but if he/she disapproves it, he/she shall return it to the Council, with his/her objections thereto, by depositing the same with the Clerk, to be presented to the Council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be reconsidered, and the question shall be put again upon the passage of the same, not withstanding the objection of the Mayor; and if, upon such submission, the Council shall pass the same by a four-fifths vote of all of the alderpersons, it shall have the same effect as if approved by the Mayor. If an ordinance or resolution is not deposited with the Clerk or by the Mayor within ten (10) days after it has been presented to him, the same shall have the same effect as if approved by him.

SECTION 2.09  OATH OF OFFICE.

- Every elected or appointed officer of the City shall, before entering upon the duties of 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 the State of Minnesota, and the Charter and ordinances of the City of St. James, and to faithfully discharge the duties devolving upon me as __________ of the City of St. James, to the best of my judgment and ability.”

SECTION 2.10  SALARIES.

- The Mayor and alderpersons shall receive such compensation as is fixed by the council in accordance with law. The City Manager and all subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

SECTION 10.08. REFERENDUM.

- Any ordinance subject to initiative may be subjected to referendum by a petition which shall state, at the head of each page or on an attached page, a description of the ordinance to be referred. Any ordinance which has been adopted by the Council but which is not yet effective, and upon which a petition has been filed, shall be suspended in its operation as soon as the petition is found sufficient; any other ordinance, including an emergency ordinance, shall remain in effect but shall be repealed if the majority of the voters voting on the ordinance vote against it. The referred ordinance may be revised in accordance with the referendum petitioned by the Council without submitting the matter to the voters.

Subdivision 1. At least four-fifths of the sponsoring committee shall approve the submitted text by a statement signed by them and filed with the City Manager within ten (10) days of its formal receipt by the Council for the question to be submitted to the voters. If the Council fails to revise the referred ordinance in an acceptable form within sixty (60) days after receipt by the Council and 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 filing of the petition, the Council shall call a special election on the ordinance to be held within one hundred twenty (120) days after filing of the petition.

Subdivision 2. If a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date specified in the ordinance; if a majority of the electors voting thereon vote against the ordinance, it shall be considered repealed upon certification of the election results.
SECTION 10.07. INITIATIVE.
- Any ordinance 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 or amendments. The proposed ordinance may be adopted by the Council without submitting the matter to the voters.

Subdivision 1. At least four-fifths of the sponsoring committee shall approve the submitted text by a statement signed by them and filed with the City Manager within ten (10) days of its formal receipt by the Council for the ordinance to be submitted to the voters. If the Council fails to enact the ordinance in an acceptable form within sixty (60) days after receipt by the Council and 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 filing of the petition, the Council shall call a special election on the ordinance to be held within one hundred twenty (120) days after filing of the petition.

Subdivision 2. If the majority of those voting on the ordinance vote in its favor, it shall become effective thirty (30) days after its adoption unless the ordinance specifies a later effective date.

SECTION 2.11 OFFICIAL BONDS.
- The City Manager, City Clerk, City Treasurer and other officers and employees as may be specified by ordinance, before entering upon the duties of their respective offices, shall give a corporate bond to the city in such sum as may be fixed by the Council as additional security for the faithful performances of their respective official duties and safekeeping of the public funds. Such bonds shall be approved by the City Council and shall be endorsed by the Mayor as having been so approved. The provisions of the statutes of the State of Minnesota relative to official bonds, not inconsistent with this Charter, shall be complied with.

SECTION 2.12 INVESTIGATION OF CITY AFFAIRS.
- The Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. 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. At any time the Council may provide for an examination or audit of the accounts of any City officer or agency and it may provide for any survey or research study of any subject of municipal concern.

SECTION 2.13. INTERFERENCES WITH ADMINISTRATION
- Neither the Council nor any of its members shall dictate the appointment or removal of any City administrative officer or employee, but the Council may express its views and freely discuss with the City Manager anything pertaining to appointment and removal of officers and employees. Except for the purpose of inquiry and investigation under Section 2.12, the Council and its members shall deal with and control City administrative officers and employees under the jurisdiction of the Manager solely through the Manager, and neither the Council nor any Council member shall give order to any subordinate of the Manager either publicly or privately.
CHAPTER 3

COUNCIL PROCEDURE

SECTION 3.01. COUNCIL MEETINGS and QUORUM.

- Regular meetings of the Council shall be held twice a month at a
time and date as may be prescribed by Ordinance or Resolution. A majority
of said Council shall constitute a quorum, but a smaller number may meet
and adjourn from time to time. The Mayor and/or any two (2) members
of the Council may call special meetings of the Council upon such reasonable
notice to all members of the Council as the official or officials calling the
same may deem sufficient. All meetings of the Council shall be public and
any citizen shall have access to the minutes and records thereof at all rea-
sonable times.

SECTION 3.02. RULES OF PROCEDURE.

- The Council shall make its own rules, prescribe the order of busi-
ness, and keep a journal of its proceedings. The Council shall provide by
ordinance a means by which a minority may compel the attendance of
absent members.

SECTION 3.03. ORDINANCES, RESOLUTIONS
and MOTIONS.

- Except as in this Charter otherwise provided, all legislation shall
be by ordinance or resolution. The final vote upon all ordinances or resolu-
tions shall be by ayes and nays, and the vote of each member shall be record-
ed in the minutes. The affirmative vote of a majority of the alderpersons
shall be required for the passage of all ordinances and resolutions, except as
otherwise provided in this chapter.

SECTION 10.04. PETITIONS.

- An initiative, referendum and recall shall be initiated by a petition
signed by a number of registered voters of the City equal to at least ten per-
cent (10%) or the total number of votes cast at the last preceding regular
municipal election. Each petition shall be sponsored by a committee of five
(5) voters whose names and addresses shall appear on the petition. A peti-
tion shall consist of one or more papers, but each paper circulated separate-
ly shall contain at its head or attached to it the statement required by Section
10.07 or 10.08, as the case may be. Each signer shall sign their name and
give their street address. Each separate page of the petition shall have
appended to it a certificate verified by oath that each signature is the gen-
uine signature of the person whose name it purports to be. The persons
making the certificate shall be a resident of the City. Any person whose
name appears on a petition may withdraw that name by a statement in writ-
ing filed with the City Manager before the Manager advises the Council of
the sufficiency of the petition.

SECTION 10.05. SUFFICIENCY OF PETITION.

- Immediately upon receipt of the petition, the City Manager shall
examine the petition as to its sufficiency and report to the Council within ten
(10) days. Upon receiving the report, the Council shall within fifteen (15)
days determine by resolution the sufficiency of the petition.

SECTION 10.06. DISPOSITION OF
INSUFFICIENT PETITION.

- If the Council determines that the petition is insufficient or irreg-
ular, the City Manager shall deliver a copy of the petition, together with a
written statement of its defects to the sponsoring committee. The commit-
te 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 peri-
od the Council finds that the petition is still insufficient or irregular, the City
Manager shall file the petition in the Manager’s office and notify the spon-
soring committee. The final finding that the petition is insufficient or irreg-
ular shall not prejudice filing 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.
CHAPTER 10

INITIATIVE, REFERENDUM AND RECALL

SECTION 10.01. POWERS RESERVED BY THE PEOPLE.

- The people of St. James reserve to themselves the power, in accordance with the provisions of the Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when adopted by the Council to be referred to the registered voters for approval or disapproval, and to recall elected public officials. These powers shall be called initiative, referendum and recall respectively.

SECTION 10.02. EXPENDITURES BY PETITIONERS.

- No member of any initiative or referendum committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed such sums as may be provided by ordinance for stationery, copying, printing and notary's fees. Any violation of this section is a misdemeanor.

SECTION 10.03. FURTHER REGULATIONS.

- The Council may provide by ordinance such further regulations for initiative, referendum, and recall not inconsistent with this Charter, as it deems necessary.

SECTION 3.04. PROCEEDINGS ON ORDINANCES.

- Every ordinance shall be enacted by a majority vote of all the members of the Council except where a larger number is required by law. It shall be signed by the Mayor, attested by the Clerk and published once in the official newspaper. If the City 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 a four-fifths vote of its members direct that only the title of the ordinance and a summary 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 the community library, if there is one, or if not, in any other 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 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 type, as defined in MS 533.107. Proof of the publication shall be attached to and filed with the ordinance. Every ordinance shall be recorded in the ordinance book within twenty (20) days after publication of the ordinance or its title and summary. All ordinances shall be suitably entitled and shall be substantially in the style: "The City Council of St. James, Minnesota, ordains: ..." No ordinance shall contain more than one subject which shall be clearly expressed in its title. Every ordinance shall be in writing. Every ordinance other than emergency ordinances, shall be announced by reading of the descriptive heading at two Council meetings, and the second reading shall be not less than fourteen (14) days after the first reading thereof. The full text of the proposed legislation shall be available to the public in the office of the City Clerk.
SECTION 3.05. EMERGENCY ORDINANCES and RESOLUTIONS.

An emergency ordinance or resolution is an ordinance or resolution for the immediate preservation of the public peace, health or safety, in which the emergency is defined or declared in the preamble thereto. There shall be a separate vote on the preamble by recorded ayes and noes to determine whether or not an emergency exists. An emergency ordinance or resolution may be enacted at the meeting at which it is introduced and upon one reading thereof. Such emergency ordinance shall be published, but such ordinance shall take effect immediately upon its passage and before publication. No grant of any franchise or sale or lease of property, shall be construed to be an emergency ordinance or resolution.

SECTION 3.06. SIGNING and RECORDING ORDINANCES.

Every ordinance shall be signed by the Mayor, or by two other members, attested by the clerk, and filed by the Clerk in his/her office. The Clerk forthwith shall record such ordinance in a book kept for the purpose, and the record shall be certified by the Clerk.

SECTION 3.07. AMENDMENT and REPEAL OF ORDINANCES.

Every ordinance purporting to amend any ordinance shall set forth therein the section or sections of the original ordinance in the form that such section or sections will read when amended. Every ordinance for the repeal of an ordinance shall refer to the ordinance to be repealed by its number and by its caption.

SECTION 3.08. PROCEEDINGS ON RESOLUTIONS

All resolutions affecting public welfare shall be published in like manner as ordinances are published. Every resolution shall be in writing, and shall be read in full at a Council meeting before the vote thereof is taken, except that the reading thereof, may be dispensed with by unanimous sale or lease, accepting the terms of the franchise and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee shall also file a bond in such amount with such conditions as the Council may require, which bond shall run to the City as obligee, with sureties satisfactory to the Council, and shall obligate the assignee or lessee to discharge all obligations and liabilities imposed by said franchise. (c) That every grant in said franchise which allows for the erection of poles, masts or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require the alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health, or convenience of the public. (d) That every franchise and every extension or renewal of such franchise, shall contain a provision for its acceptance in writing by the grantee within thirty (30) days after its passage by the Council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the City until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of, and consent to, all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as the provisions of this Charter. (e) That every franchise shall contain a provision granting the City the right to acquire same in accordance with applicable law.

SECTION 9.06. RENEWALS OR EXTENSIONS.

Every renewal or modification of a franchise, including an existing franchise, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.
SECTION 9.02  TERM.
-No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty (20) years shall be effective until approved by a majority of the voters voting thereon.

SECTION 9.03  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 (10) days prior to the date of the hearing.

SECTION 9.04  POWER OF REGULATION RESERVED.
- Subject to any applicable law, the Council may by ordinance reasonably regulate and control the exercise of a franchise, including the maximum rate, fares, or prices to be charged by the grantee. No franchise value shall be included in the evaluation 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.

SECTION 9.05  CONDITIONS IN EVERY FRANCHISE.
- All conditions specified in this section shall be a part of every franchise even though they may not be expressly contained in the franchise: (a) That the Council shall have the right to acquire reasonable extensions of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public. (b) That no sale, lease or transfer of said franchise shall be effective without the approval of the City Council, and until the assignee or lessee shall have filed in the office of the City Manager an instrument, duly executed, reciting the facts of such consent. All resolutions shall be signed by the Mayor, attested by the Clerk, recorded and kept on file in the office of the Clerk.

SECTION 3.09  WHEN ORDINANCES and RESOLUTIONS TAKE EFFECT.
- Every resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as it specifies. Every other ordinance shall take effect 30 days after publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon its adoption or at such later date as it specifies.

SECTION 3.10  REVISION and CODIFICATION OF ORDINANCES.
- The City may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet, or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the City Clerk for general distribution to the public free or for a reasonable charge. Publication in such a code shall be 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 Clerk is published in the official newspaper for at least two successive weeks.
CHAPTER 4

ELECTIONS

SECTION 4.01. THE REGULAR MUNICIPAL ELECTION.
- A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even-numbered year commencing in 1984 at such place or places as the City Council may designate. The City Clerk shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but failure to give such notice shall not invalidate the election.

SECTION 4.02. SPECIAL ELECTIONS.
- The Council may by resolution order a special election and provide all means for holding it. The Clerk shall give at least two weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections.

SECTION 4.03. FILING FOR OFFICE.
- No earlier than ten (10) weeks or later than eight (8) weeks before the municipal election, any voter of the City qualified under the state constitution for elective office may, by filing an affidavit and paying a filing fee of $5.00 to the City Clerk, have his/her name placed on the municipal primary ballot or, if there is no primary election, on the municipal election ballot.

SECTION 4.04. PROCEDURE AT ELECTIONS.
- Subject to this Charter and applicable state laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

CHAPTER 8

EMINENT DOMAIN

SECTION 8.01 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.

CHAPTER 9

FRANCHISES

SECTION 9.01 FRANCHISES REQUIRED.
- Except as otherwise provided by law, no person, firm or corporation shall place or maintain any permanent or semipermanent 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 of the terms and conditions of the franchise. The grantee shall bear the cost of publication of the franchise ordinance and shall make a sufficient deposit with the City Administrator to guarantee publication before the ordinance is passed.
SECTION 7.02. ASSESSMENTS FOR SERVICES.
- The Council may provide by ordinance that the cost of certain services undertaken by the City may be assessed against benefited property and collected in like manner as are special assessments. Said services include snow, ice or rubbish removal from sidewalks; weed elimination from streets or private property; tree trimming or removal; operation of a street lighting system; repair of sidewalks and alleys; and other services allowable by State Law.

SECTION 7.03 LOCAL IMPROVEMENT REGULATIONS.
- The Council may prepare and adopt by ordinance a comprehensive local improvement policy prescribing the procedures which shall be followed in making all local improvements and levying assessments therefor. The Council may elect to use the State law or the local improvement ordinance for the purpose of providing local improvements and assessments therefor. The Statutory requirements as to hearings on special assessments shall be strictly adhered to.

SECTION 7.04. PUBLIC WORKS; HOW PERFORMED.
- Public works, including all local improvements, may be constructed, extended, repaired and maintained either directly by City employee, by day labor, or by contract. The City shall require contractors and all persons furnishing labor and materials to give bonds for protection of the City pursuant to the laws of the State.

SECTION 4.05. CANVASS OF ELECTIONS.
- The Council shall meet and canvass the election returns within five days after any election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Manager. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate, with an indication of those who were elected, or the result of any issue decided; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The City Manager shall forthwith notify all persons elected of their election.

CHAPTER 5

TAXES AND FINANCE

SECTION 5.01. 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 safe keeping and disbursement of public moneys; and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

SECTION 5.02. FISCAL YEAR.
- The fiscal year of the City shall be the calendar year.

SECTION 5.03. BOARD OF EQUALIZATION.
- The Mayor, City Clerk and three (3) Alderpersons selected by the Council, shall constitute a board of equalization for the City. They shall meet and perform their duties as provided by law.
SECTION 5.04. 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 a system of local taxation. This authority includes the power by ordinance to assess, levy and collect taxes on all subjects or objects of taxation except as limited or prohibited by the State Constitution, by this Charter or by laws imposing restrictions upon the City irrespective of Charter provisions. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied exceeds the amount required to be raised for a specific purpose for which the same was levied; but in such case, the surplus shall go into the fund which such tax belongs.

SECTION 5.05. BUDGET COMMITTEE.

- There shall be a budget committee composed of the Mayor, two (2) Alderpersons selected by the Council, City Manager/or City Treasurer.

SECTION 5.06. PREPARATION OF ANNUAL BUDGET.

- The City Manager shall annually submit to the Council a recommended budget by September 1. The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and, except as required by law or Charter, shall be in such form as the Manager deems desirable or the Council may require. It shall include a minimum of the following: a summary and detailed explanation of all estimated revenue and all proposed expenditures; comparative figure for the preceding fiscal year and for the current fiscal year, actual and estimated; proposed capital expenditure to be made during the year and the proposed method of financing each such capital expenditure. The total proposed operating budget to be provided from property tax shall not exceed the amounts authorized by law and this Charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by law.

SECTION 6.04 PURCHASES AND CONTRACTS.

- The City Manager shall be the chief purchasing agent of the City. All City purchases and contracts shall be made or let by the City Manager when the amount involved does not exceed $2,500.00. All other purchases shall be made and all other contracts let by the Council after the recommendation of the City Manager has first been obtained. Contracts shall be made in compliance with the uniform contracting law, and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Manager on behalf of the City and shall be executed in the name of the City. The Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

✈ CHAPTER 7 ✈

PUBLIC IMPROVEMENTS and SPECIAL ASSESSMENTS

SECTION 7.01. 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 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.
Subdivision 6. The City Manager shall recommend to the Council for adoption such measures as may be deemed necessary for the welfare of the people and the efficient administration of the City's affairs.

Subdivision 7. The City Manager shall keep the Council fully advised on the financial condition and needs of the City, and he/she shall prepare and submit to the Council the annual budget and capital program.

Subdivision 8. The City Manager shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year.

Subdivision 9. The City Manager shall perform such other duties as are prescribed by Charter or may be required by the Council.

SECTION 6.03. SUBORDINATE OFFICERS.
- There shall be a City Clerk and such other officers subordinate to the City Manager as the Council may establish by ordinance. The City Clerk shall be subject to the direction of the City Manager and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the City's affairs as the Council may prescribe. The City Clerk may be designated to act as secretary of the Council and also act as treasurer. The Council may by ordinance abolish offices which have been created by ordinance and it may alter or combine the duties of various officers as it may see fit.

SECTION 5.07. PASSAGE OF CITY BUDGET.
- The Budget shall be considered at the first regular monthly meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. Two (2) public hearings on the budget shall be held with reasonable notice and giving interested individuals a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated income. The Council shall adopt a resolution levying the amount of taxes provided in the budget and the Clerk shall certify the tax resolution to the County Auditor in accordance with law not later than October 10. The Council shall also adopt the budget not later than the first week of December by a resolution which shall set forth the total of each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

SECTION 5.08. ENFORCEMENT OF THE CITY 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 Treasurer for any expenditures unless an appropriation has been made in the budget, nor for any expenditures covered by the budget unless there is sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the City shall place any orders or make any purchases except for the purposes and to the amount authorized in the budget. Any obligation incurred by any person in the employ of the city for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.
SECTION 5.09. ALTERATIONS IN THE
CITY BUDGET.

After the budget shall have been adopted, the Council shall not
have power to increase the amounts therein fixed, whether by the insertion
of new items or otherwise, beyond the estimated revenues, unless the ac-
tual receipts shall exceed such estimates and in that event not beyond such
actual receipts. The sums fixed in the budget shall be and become appro-
priated at the beginning of the fiscal year for the several purposes named
therein and no other. The Council at any time, by a resolution passed by a
four-fifths vote, may reduce salaries or the sums appropriated for any other
purpose, or authorize the transfer of sums from unexpended balances to
other purposes provided, however, that no reserve necessary to meet
incurred liabilities which will thereafter accrue shall be construed to be
unexpended balance.

SECTION 5.10. DISBURSEMENTS.

All disbursements except those made from public utility funds
shall be made only upon regular vouchers issued by the City Clerk, duly
authorized by the Council, and countersigned by the Mayor, which shall
indicate the fund out of which the disbursements shall be made. Each order,
when signed by the City Clerk, countersigned by the Mayor shall become a
check payable to the payee at the bank indicated thereon. The Clerk shall
issue no checks upon any fund except as above. No such check shall be
issued until there is money to the credit of the fund out of which it is to be
paid, sufficient to pay the same, together with all then outstanding orders
against and encumbrances upon such fund. Any check for the payment of
money violating any provision of this section shall be void and any officer
of this City violating any provision of this section shall be personally
responsible for the amount of such payment, if any such payment is made
contrary to the provisions hereof. No claim against the City shall be
allowed unless accompanied by an itemized and verified statement, payroll,
or time sheet signed by the officer who has personal knowledge of the facts
in the case and vouches for the correctness and reasonableness of the claim.
The Council by ordinances may make further regulations for the safekeep-
ing and disbursement of the City’s funds.

SECTION 6.02. POWERS AND DUTIES
OF THE CITY MANAGER.

Subdivision 1. The City Manager shall be responsible to
the Council for the administration of the
City’s affairs, with the powers and duties
set forth below.

Subdivision 2. The City Manager shall see that this Charter
and the laws, ordinances, and resolutions
of the City are enforced.

Subdivision 3. The City Manager, subject to the advice and
consent of the Mayor and City Council,
shall appoint and may suspend and
remove, upon the basis of merit and fit-
ness, subject to applicable personnel
rules, the City Clerk, and all heads of
departments and all subordinate officers
and employees.

Subdivision 4. The City Manager shall direct and
supervise all departments, offices, and
agencies of the City, except as otherwise
provided by law or Charter.

Subdivision 5. The City Manager shall attend all meetings
of the Council and may take part in dis-
cussion but not vote; but the Council may,
in its discretion, exclude the City
Manager from any meeting at which the
removal of the City Manager is consid-
ered.
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 general obligation bonds. Certificates of indebtedness issued prior to the adoption of this SECTION shall be deemed as in compliance with the Charter provided the issuance of such certificates met the requirements of Minnesota Statutes 12.301.

CHAPTER 6

CITY MANAGER

SECTION 6.01. THE CITY MANAGER.
- The City Manager shall be the chief administrative officer of the City. The City Manager shall be chosen by the Council solely on the basis of training, experience, executive and administrative qualifications. The City Manager need not be a resident of the City at the time of appointment but may reside outside the City while in office only with the approval of the Council. The City Manager shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of a majority of the Council; but after the City Manager has served as Manager for one year, the City Manager may demand written charges and a public hearing on the charges before the Council prior to the date when the final removal takes effect. After the hearing, if one is demanded, the Council shall have unlimited discretion either to reinstate the Manager or make removal final. Pending the hearing and removal, the Council may suspend the Manager from office. With the approval of the Council, the Manager may designate some properly qualified person to perform the duties of the Manager during the City Manager's absence of disability or while the office is vacant.

SECTION 5.11. FUNDS.
- There shall be maintained in the City treasury a general fund and such other funds as may be required by statute, ordinance, or resolution. The Council may, by ordinance or resolution, make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate.

SECTION 5.12. RECEIPTS TO CITY TREASURER.
- All receipts of money belonging to the City, or any branch thereof, excepting only those funds collected by the County Treasurer, shall be paid to the City Treasurer by the person authorized to receive the same at the close of each business day. All such monies and also all monies received upon tax settlements from the County Treasurer, shall be deposited as soon as received in a bank or banks approved by the City Council. Any person in the employ of the City guilty of a violation of this provision shall be liable to be reduced in salary or to be dismissed from his/her office or position, as the Council may determine after a hearing.

SECTION 5.13. FINANCIAL REPORTS.
- The City Treasurer shall submit to the Council a statement each month showing the amount of money in the City treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the City as the Council may require. Once in each year and on or before the last day of January the City Manager shall submit a report to the Council covering the entire financial operations of the City for the past fiscal year. Such report shall be as complete in detail as said monthly reports and as complete as required by the City Council and shall cover the entire past fiscal year. It also shall show the total outstanding bonds and debts of the City, the maturity of the same, the amount of bonds and other evidences of indebtedness issued during the past fiscal year and the amount redeemed during the same period. It also shall show the rate of interest of said bonds, or other evidences of indebtedness. It shall show the condition of all the annual budget allowances and such other information as the Council may require.
SECTION 5.14. ANNUAL AUDIT.
- The books of the City shall be audited at least once each year by a reliable and competent certified public accountant employed by the City Council. In addition to the reports furnished by the City Council, the auditor shall furnish a condensed report covering the audit and such condensed report shall be published at least once in the official City newspaper.

SECTION 5.15. CITY INDEBTEDNESS.
- Except as provided in this Charter, 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. Except in the case of obligations for which an election is not required by this Charter or by law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election.

SECTION 5.16. 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 necessitates the making of extra-ordinary expenditures, the Council may by ordinance issue 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 the margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificate shall state the nature of the emergency and be approved by at least four (4) members of the Council. It may be passed as an emergency ordinance.

SECTION 5.17. ANTICIPATION CERTIFICATES.
- At any time after January 1 the Council may issue certificates of indebtedness in anticipation of state and federal aids and the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed the total of state and federal aids and current taxes due to the fund and uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due not later than April 1 of the year following their issuance. The proceeds of the tax levied and such state or federal aids as the governing body may have allocated 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.

SECTION 5.18. CERTIFICATE OF INDEBTEDNESS.
- The Council may by resolution adopted by a majority of its members issue certificates of indebtedness within existing debt limits for the purpose of purchasing fire and police equipment, ambulance equipment, and street construction or maintenance equipment. The aggregate amount of the net debt resulting from the issuance of certificates of indebtedness shall not exceed two percent (2%) of the assessed valuation of the City, unless the issuance of certificates of indebtedness in excess of said limit has been approved by a majority of votes cast on the question at a regular or special election. Such certificates shall be payable in not more than five (5) 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 purchases exceeds one percent (1%) of the assessed valuation of the City, they shall not be issued for at least ten (10) days after publication in the official newspaper of the Council resolution determining to issue them; and if before the end of that time, a petition asking for an election on the proposition of issuing the certificates signed by voters equal to ten percent (10%) of the number of voters at the last regular 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.