

*City Charter*  
*For*  
*East Grand Forks,*  
*Minnesota*

*Revised November 1997*

**CITY OF EAST GRAND FORKS  
CHARTER**

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**CITY OF EAST GRAND FORKS  
CHARTER**

**Chapter I  
Name, Boundaries and Powers**

**Section 1.01 Name and Boundaries.** The City of East Grand Forks in the County of Polk 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 East Grand Forks, with the same boundaries as now are or hereafter may be established.

**Section 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 East Grand Forks 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 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.

**Chapter II**  
**Form of Government**

**Section 2.01 Form of Government.** The municipal government provided by this charter shall be known as the Mayor-Council plan of government. Subject only to the limitations imposed by the constitution or statutes of the State of Minnesota and by this charter, all powers of the city except as otherwise provided in this charter shall be vested in a mayor and elective council, hereinafter referred to as “the council”, which shall enact local legislation, adopt budgets and determine policies. The council may create such departments, divisions, bureaus, commissions and boards for the administration of the city’s affairs as it may deem necessary for efficient government, and from time to time may alter the power and organization of such departments, divisions, bureaus, commissions and boards as the council may create.

**Section 2.02 Wards.** The city shall be divided into five (5) wards, and existing wards and ward boundaries shall continue until such time as they may be changed as herein provided. The council may by ordinance increase or decrease the number of wards in the city. In the event the council should increase or decrease the number of wards, the number of ward aldermen to be elected, as provided in Section 2.03 of this charter, shall be increased or decreased by the same number.

*Subdivision 1.* The council shall by resolution redefine and rearrange the ward boundaries so that the wards shall be as equal in population as practicable and each ward shall be composed of compact, contiguous territory. Each councilman shall be a resident of the ward from which they are elected, but a change in ward boundaries does not disqualify a councilman from serving the remainder of his term.

*Subdivision 2.* The council by resolution may redefine ward boundaries after any regular municipal election. Within six months after the official certification of each federal decennial or special census the council shall either confirm the existing ward boundaries as

conforming to the standards of subdivision 1 or redefine ward boundaries to those standards. Any resolution establishing new ward boundaries shall apply to the first election held at least ninety (90) days after adoption of the resolution. If the council fails to take either action within the time required, no further compensation shall be paid to the mayor or councilmen until the wards of the city are redefined as required by this charter.

**Section 2.03. Elective Officers and Elections.** The elective officers of the city shall be one mayor, one ward alderman elected from each ward in the city, and two aldermen elected from the city at large. Each ward alderman shall be a resident of the ward from which they are elected and shall serve for a term of four (4) years and until his successor is elected and qualifies, except as provided in this section. Each alderman-at-large shall be a resident of the city and shall serve for a term of four (4) years and until his successor is elected and qualifies, except as provided in this section. At the first election held after adoption of this charter, the three (3) aldermen-elect from the odd-numbered wards shall serve for four (4) years, and the other two (2) aldermen-elect from the even-numbered wards shall serve for two (2) years; and of the two aldermen elected at large, the one receiving the highest vote shall serve for four (4) years and the other successful candidate shall serve for two (2) years. Commencing in the year 1992, the mayor shall serve for a term of four (4) years and until a successor is elected and qualified.

**Section 2.04. Vacancy in Office.** An elective office becomes vacant when the person elected or appointed thereto dies before taking office or fails to qualify therefore on or before the second regular monthly meeting of the Council held after the beginning of the term of such office, or the incumbent dies, resigns in writing filed with the City Clerk, is convicted of a felony before or after qualifying for such office, ceases to reside in the city or the ward from which they was chosen, except as provided in Section 2.02, subdivision 1 of the charter, or is adjudged incompetent by a court of competent jurisdiction. If an elected official without good cause fails to perform any of the duties of his office for a period of three months, the office of such member shall be deemed vacant. In each such case the Council shall by Resolution appoint an eligible person to serve until the qualification of a

successor is elected at a regular city election. If the vacancy occurs before the first day to file affidavits of candidacy for the regular city election, the appointed person shall serve until the qualification of a successor for the remainder of the unexpired term who is duly elected at a regular city election. If the vacancy occurs after the first day to file affidavits of candidacy for the regular city election, the appointed person shall serve until the qualification of a successor elected at the next ensuing regular city election. In the event that the vacancy is for Alderman-at-Large, persons filing for said office shall indicate on their filing papers whether they are filing to fill the unexpired term of office, or whether they are filing for the regular four (4) year term of office. Persons shall not be permitted to file for both the regular term of office at the same regular city election. This amendment is effective upon passage as provided by Section 410.12, subdivision 7, of Minnesota Statutes.

**Section 2.05. Office of the Mayor.** The mayor shall be the chief executive officer of the city. The mayor shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter and by ordinances of the City of East Grand Forks or the laws of the State of Minnesota. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the service of civil process and by the governor for the purpose of martial law. The mayor shall study the operations of the city government and recommend to the council such changes and improvements as the mayor believes to be desirable. The mayor shall also report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. The mayor shall appoint the chief of police and all police officers. The mayor shall prepare such regulations for the control of the police force, and the powers and duties of the officers thereof, as the mayor shall deem necessary, and in like manner the may alter the same. The mayor shall have no vote on matters before the council, except in the event of a tie vote among the other members of the council, in which case the mayor shall vote as a member of the council.

**Section 2.06. Acting Mayor.** In the event of a vacancy in the office of mayor or the absence of or in the event of the disability of the mayor, the mayor's duties shall be performed by the president of the council, or if the president of the council is absent or

incapacitated, the vice-president of the council shall exercise the powers and perform the duties of the mayor during such absence or disability. While so acting they shall be styled “Acting Mayor,” and the acting mayor’s acts in that capacity shall have the same force and effect as if performed by the mayor.

**Section 2.07. Investigation of City Affairs.** The council or any officer or officers authorized by the council shall have the power to make investigations into the city’s affairs, 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 auditor’s office or by a 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.

**Section 2.08. Salaries.** The mayor and the alderman shall receive such compensation as is fixed by the council in accordance with law. All subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

## **Chapter III**

### **Council Procedure**

**Section 3.01. Council Meetings.** The council shall meet regularly at least once each month at such times and places as the council may designate by rule. To the extent provided by law, all meetings of the council and its committees shall be public and any citizen shall have access to the minutes and records of the council at all reasonable times.

**Section 3.02. Legislative Power Vested in the Council.** The legislative power and authority of the city shall be vested in the council, composed of the aldermen of such city as herein provided.

Unless otherwise expressly provided in the charter, the council shall have all powers granted to the city, including management and control of the finances and property of the city with full power and authority to make, ordain, establish, publish, alter, modify, amend and repeal ordinances, resolutions, rules and regulations for the government and good order of the city. It shall have full power and authority to declare and impose penalties and punishment against any person, firm, or corporation violating any ordinance, rule, or regulation. Its ordinances, rules, and regulations shall have the force of law.

**Section 3.03. Organization.** The council shall, biennially, on the first Tuesday after the first Monday in January next succeeding the city election, meet at the usual place and time for the holding of council meetings. At this time the newly elected members of the council shall assume their duties and shall proceed to elect from their own number a president and vice-president for the ensuing two years, and such officers as may be necessary for the transaction of business. Such elections shall be by ballot and the affirmative vote of the majority of all the members elect shall be necessary to elect.

**Section 3.04. Duties of President.** The president, and in case of the absence of the president the vice-president, shall preside over the meetings of the council, and shall sign all resolutions and ordinances passed by the council, and during the absence of the mayor from

the city, or the mayor's inability for any reason to discharge the duties of the mayor, under the style of "acting mayor." The acts of such acting mayor shall have the same force and effect as if performed by the mayor.

**Section 3.05. Rules and Special Meetings.** The council shall determine its own rules and order of business. A majority of all members shall constitute a quorum, but a smaller number may adjourn from time to time. The council may by rule provide a means by which a majority may compel the attendance of absent members.

**Section 3.06. The Clerk-Treasurer Shall Act as Secretary of the Council.** The clerk-treasurer shall keep a journal of council proceedings and perform such other duties as this charter or the council may require. The council may designate any other city official or employee, except a member of the council, to act as secretary of the council.

**Section 3.07. Ordinances and Resolutions.** Every legislative act of the council shall be by ordinance unless otherwise provided by this charter or by state law. The enacting clause of all ordinances shall be in these words: "The City of East Grand Forks ordains." No ordinance, except for general appropriations, shall contain more than one subject, which shall be expressed in its title, nor shall any ordinance be amended after its introduction so as to change its original purpose.

**Section 3.08. Ordinance Readings.** No ordinance shall be introduced except at a regular meeting, at which meeting it shall have its first reading. It may be amended before being given its second reading, but such amendment may not change its original purpose. It shall receive its second reading and be passed only at a regular meeting occurring at least seven (7) days subsequent to the time at which its introduction and first reading was had.

**Section 3.09. Passage of Ordinances and Resolutions.** Every ordinance, order and resolution shall require the affirmative vote of a majority of all the members of the council, except where a larger vote is required by this charter or by state law, which vote shall be

taken by ayes and nays, which shall be entered upon its journal. No vote of the council shall be reconsidered or rescinded at a subsequent meeting unless at such a meeting there are present as many members of the council as were present when said vote was taken.

**Section 3.10. Approval of Ordinances and Resolutions--Veto Power.** Every ordinance and resolution shall, before it takes effect, be forthwith presented to the mayor for approval. If the mayor approves, the mayor shall sign the same; but if the mayor disapproves it, the mayor shall return it to the council with the mayor's objections thereto, by depositing the same with the clerk-treasurer, to be presented to the council at the next regular meeting thereafter.

**Section 3.11. Reconsideration of Ordinances.** Upon the return of any ordinance, order or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the mayor; and if upon such vote the council shall pass the same by a vote of three-fourths (3/4) of all its members, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and nays, which shall be entered by the clerk-treasurer of record. No ordinance shall be signed by the mayor within four (4) days after the same is presented to the mayor, and if any ordinance, order or resolution shall not be returned by the mayor within ten (10) days after the same is presented to the mayor, it shall have the same force and effect as if approved by the mayor. The clerk-treasurer shall endorse upon each such ordinance and resolution the time when the same was delivered to the mayor, and the time when it was returned to his office by the mayor. Every ordinance shall be published at least once in the official newspaper of the city after approval by the mayor or after passage by a three-fourths (3/4) vote of the council over the mayor's veto, and shall be recorded in a book kept for that purpose, which record shall be attested by the clerk-treasurer.

**Section 3.12. Effective Date of Ordinances and Resolutions.** Every ordinance shall be approved by the mayor and published and recorded by the clerk-treasurer before it

takes effect. Every resolution shall be approved by the mayor and recorded by the clerk-treasurer in his office before it shall take effect. Approval by the mayor shall not be required if the ordinance or resolution is passed by the council by a three-fourths (3/4) vote of all its member over the mayor's veto.

**Section 3.13. Amendment and Repeal of Ordinances and Resolutions.** Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. Nor ordinance or resolution shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added.

**Section 3.14. Emergency Ordinances.** An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in the emergency as defined and declared in the preamble thereto, and is adopted by a vote of at least three-fourths (3/4) of all the members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four (24) hours after the ordinance has been filed with the clerk-treasurer and posted in three (3) conspicuous places or until the ordinance has been published, unless the person charged with the violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

**Section 3.15. Emergency Bids.** The requirements set forth herein and in the laws of the State of Minnesota for competitive bids may be dispensed with if the council by a three-fourths (3/4) vote of all the members of the council shall pass a resolution setting forth that competitive bids shall not be required due to an emergency and it is essential to the health, safety or welfare of the people that immediate action be taken and there is insufficient time for competitive bids.

## **Chapter IV**

### **Administration**

**Section 4.01. Existing Departments.** After the effective date of this charter, the existing departments, divisions, boards, commissions and funds of the City of East Grand Forks shall be continued, except as expressly changed hereby, or hereafter changed by ordinance of the council.

**Section 4.02. Boards and Commissions.** The council may by ordinance establish any boards or commissions which it deems essential for the city's operation, which ordinance shall set forth fully the powers and duties, including methods of accounting and handling of funds and allowance and payment of claims. The council may also, by any board or commission previously created, or alter its functions and duties, unless said board or commission was created by popular vote. Subject to approval by a majority of all the members of the council, the mayor shall appoint the members of all boards and commissions. With the exception of the Civil Service Personnel Board, each board or commission heretofore established by ordinance, any board or commission established by this charter, or any board or commission hereinafter established by the council, shall have as an ex officio member thereof a member from the council, appointed by the council. Any ex officio member, whether from the council or holding office by virtue of his position in the municipal government, shall have the power to vote on all matters coming before the board or commission they are an ex officio member of; however, no ex officio member shall be appointed chairman or hold any other office on the respective board or commission they are appointed to. The terms of ex officio members shall correspond to their respective official tenures. Members of all boards and commissions shall serve until their successors are appointed and qualified. Members shall serve without compensation unless the council authorizes compensation, then compensation shall be as fixed by the council. Members may be removed by the mayor, with the approval of a majority of the council, for cause after a hearing. The respective boards and commissions shall choose one of its members as chairman or president and may select a secretary either from among its own members or

otherwise and fix his compensation, subject to the council approval, except in the case of the secretary of the Water, Light, Power and Building Commission, who shall be appointed by, and whose salary shall be set, as provided in Section 9.03 of this charter. The respective boards and commissions may adopt, and from time to time amend, their respective rules of procedure. All boards and commissions shall submit annual budgets for consideration and approval by the council, as provided in Chapter 6 of this charter.

**Section 4.03. Appointive Officers.** The council shall appoint a clerk-treasurer, a city attorney, a city assessor, a city health officer, and such other officers as shall be necessary for the proper conduct of the affairs of the city.

**Section 4.04. Appointment of Officers.** All officers enumerated in Section 4.03 shall be initially appointed at the organization meeting of the first council elected under the provisions of this charter. All appointed officers shall continue in office until their successors have been appointed and qualified.

**Section 4.05. Qualifying.** Every person appointed to any office shall take and subscribe to the oath provided by law. The clerk-treasurer and such other officers as are designated by the council shall, before entering upon their respective duties, furnish bond to the city in such manner, form, and amount as the council may direct. If so determined by the council, the bond may be in the form of a blanket bond, and the premium shall be paid by the city.

**Section 4.06. Clerk-Treasurer.** The clerk-treasurer shall have custody of the corporate seal and all of the books and records of the city. They shall attend meetings of the council and keep a correct record of all proceedings, ordinances, and resolutions in suitable books kept for that purpose. They may administer oaths and acknowledgments in all cases as required or sanctioned by law. They shall keep an office open at hours fixed by the council and at the place designated by the council. All records and files therein shall be open to public inspection. They shall sign and file all contracts and perform all things incident

thereto as directed. They shall draw and sign orders upon the city treasury for money authorized to be paid, but, except in this charter otherwise authorized, they shall not sign any order unless there is a sufficient amount credited to the fund upon which the same is drawn to pay the same. They shall keep a list of outstanding bonds showing the purpose, when and where payable, the rate of interest and the date of payment, including a specimen bond of each issue.

In addition, the clerk-treasurer shall be the custodian of all funds and securities belonging to the city. They shall be responsible for the safekeeping thereof and shall keep an accurate and detailed account thereof in such form as the council shall direct. Before the second regular meeting of each month they shall prepare and file in his office a statement of receipts and disbursements of the city during the preceding month, specifying the funds and the amount in each fund. They shall make an annual report and such other reports as are required by the council. Whenever in the charter, or in any ordinance of the City of East Grand Forks in force as of the effective date of this charter, either the designations "city clerk" or "city treasurer" or the abbreviated designations "clerk" or "treasurer" appear, such designations shall be construed to mean "clerk-treasurer." The qualifications for this position shall be established by the council.

The clerk-treasurer shall have power when authorized by the council to appoint a deputy clerk-treasurer, who shall hold said office during the pleasure of the clerk-treasurer, and shall have authority, under the direction of the clerk-treasurer, to perform all the duties of the clerk-treasurer. The clerk-treasurer may, when authorized by the council, select such other assistants as may be necessary in said office, the salary of said assistant clerk-treasurer and all such assistants to be paid by the city, the amount of compensation to be fixed and determined by the council.

**Section 4.07. City Attorney.** The city attorney shall be a person admitted to practice in the courts of this state. They shall be the legal advisor of all officers and boards of the city. They shall prosecute or defend all suits, actions or proceedings, either civil or criminal, to which the city is a party. They shall furnish written opinions on subjects submitted to him by the council, by any of its committees, by the mayor, or by any board of the city. They

shall attend meetings of the council when so requested, draw all contracts affecting the city and such other legal instruments and papers as may be required in connection with city affairs and perform such other services as pertain to his office. The council may provide for assistants to the city attorney, to be appointed by the city attorney, with the approval of the council, the compensation to be paid said assistant city attorneys to be authorized and approved by the council. The council may also provide for secretarial and clerical assistance to be authorized and approved by the council.

**Section 4.08. City Health Officer.** The council shall appoint a city health officer who shall be a physician in good standing in his profession. They shall advise the mayor and council on health matters, they shall make regular health inspections of the city, and shall perform such other duties as the council may require.

**Section 4.09. Park Board.** The council may by ordinance establish a park board. The park board, if so established by ordinance, shall consist of one park commissioner from each ward of the city, appointed as provided in Section 4.02. Said commissioners shall hold office for three years and until their successors have been appointed and qualified, provided, that the first commissioners appointed shall be appointed for one, two and three years, as designated by the council. The board shall be known as the Park Board of East Grand Forks, and shall have control and supervision of all parks and parkways within the corporate limits of said city, and such other public grounds as the council shall by resolution designate. Said board shall power and it shall be its duty to enforce such laws of the state and such ordinances of the city as it may deem necessary for the proper performance of its duties in such department. Said board shall have control of the park fund and shall have power to expend the same in such manner as it may see fit in improving the recreation program of the city and in improving and beautifying the parks, parkways and such other public grounds as the council shall designate.

**Section 4.10. Continuance in Office.** Except as otherwise specifically provided in this charter, the adoption of this charter shall not affect the terms of office or powers of any

appointed officer or employee of the city, or member of any board or commission, but the same shall continue in office until changed by ordinance or resolution.

## **Chapter V**

### **Nomination 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 odd-numbered year commencing in 1975 at such place or places as the council may designate. The clerk-treasurer 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 5.02. Special Elections.** The council may by resolution order a special election and provide all means for holding it. The clerk-treasurer 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 5.03. Nominations for Office.** At any time not more than six (6) weeks preceding any municipal election, but no less than four (4) weeks prior to such election, any eligible person may become a candidate for any office elective under the provisions of this charter either by filing an affidavit with the clerk-treasurer and paying a filing fee of \$2.00 to the clerk-treasurer, or by having an application filed in his behalf signed by at least five (5) qualified voters of the city and the area the office represents, containing his endorsed acceptance thereon, together with a \$2.00 filing fee; such affidavit or application shall be on a form furnished by the city and stating the full name and address of the candidate and the office for which they are a candidate, together with the ward which he seeks to represent unless the office is one for which election is at large.

**Section 5.04. 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 character and supplementary ordinances, general state laws on elections shall apply to municipal elections.

## **Chapter VI**

### **Taxation and Finances**

**Section 6.01. 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 revenue and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

**Section 6.02. Fiscal Year.** The fiscal year of the city shall be the calendar year.

**Section 6.03. Taxation.** All property taxes shall be assessed and collected in the manner provided by law. Subject to law, the council shall have full power to provide by ordinance for a system of local taxation for general or special purposes.

**Section 6.04. Budget Estimates.** Annually on or before the 15<sup>th</sup> day of August the heads of all departments, officers, boards, commissions or committees of the city council charged with the management of any department shall deliver to the clerk-treasurer an estimate in writing of all revenues and expenditures for such department during the ensuing fiscal year.

**Section 6.05. Budget Preparation.** The clerk-treasurer shall prepare the annual budget from estimates received. 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. The clerk-treasurer may submit with the estimates such explanatory statement or statements as may be deemed necessary.

**Section 6.06. Budget Approval.** The budget shall be an item of business at the first regular monthly meeting of the council in September, and the council shall hold adjourned meetings from time to time until all of the estimates have been considered. The budget estimates shall be read in full and the clerk-treasurer shall explain the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the ensuing year for funds budgeted and shall be signed by a majority of the council when adopted. The council shall adopt the budget by a resolution which shall set forth the total for each budgeted fund. Each department shall segregate as to objects and purposes of expenditure in such manner as the council deems necessary for the purpose of budget control. The council shall also adopt a resolution levying whatever taxes it considers necessary within the per capita limits established by statute and in addition thereto any other taxes as authorized by law for the ensuing year for the total budget. The tax levy resolution shall be certified to the county auditor in accordance with the law. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other.

**Section 6.07. Budget Enforcement.** It shall be the duty of the clerk-treasurer, under the direction of the council, to enforce the provisions of the budget. No approval shall be made of any order upon the council for any expenditure that exceeds the appropriation in the budget resolution. No officer or employee of the city shall place any order or make any purchase except for a purpose and to the amount authorized in the budget resolution.

**Section 6.08. Budget Alterations.** After the budget resolution has been adopted, the council shall have no power to increase the appropriated amounts fixed in the budget resolution beyond the estimated revenues, unless 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 all its members, reduce the sums appropriated for any purpose by the budget resolution, or by a vote of two-thirds (2/3) of all its members, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

**Section 6.09. Emergency Fund in Budget.** The council may include an emergency fund as a part of the budget. The maximum of this fund shall not exceed ten (10%) percent of the budget raised by taxation. A transfer from the emergency fund to any other fund shall be made only by a vote of at least two-thirds (2/3) of all members of the council. Each transfer shall be used only for the emergency as designated by the council.

**Section 6.10. Disbursements. How Made.** No money shall be paid out of the city treasury except upon an order specifying the fund as authorized by resolution or informal motion of the council or the board or commission charged with the management of the fund and signed by the officer designated by such managing body. Disbursement shall be made by check signed by the mayor and the clerk-treasurer, specifying the purpose for which 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 on 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 council may by ordinance make further regulations for the safe-keeping and disbursement of funds.

**Section 6.11. Accounts and Reports.** The clerk-treasurer shall be responsible for all the accounts of the city and every branch thereof, and the council may prescribe and enforce proper accounting and monthly reporting methods, forms, blanks, and other devices consistent with the law, this charter, and ordinances adopted in accord therewith. On or before the last day of March the clerk-treasurer will submit a report to the council covering the entire financial operation of the city for the past year. The report shall show all operations and conditions in a manner consistent with the accounting method of the city, and shall include such further information as the clerk-treasurer deems advisable or the council requires.

**Section 6.12. 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 6.13. City Indebtedness.** Except as provided in Sections 6.15 and 6.16, 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 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 6.14. Public Improvements--Financing.** Whenever any public improvement is ordered by the council, pursuant to Chapter 429 of Minnesota Statutes, the cost of which is to be paid wholly or partly from the proceeds of special assessments levied upon property specially benefited by the improvement, and not less than twenty (20%) percent of the cost of the improvement is to be assessed against benefited property, the city may also issue temporary certificates of indebtedness locally to finance the improvement while in the construction period. When all related improvement costs are determined and finalized, then permanent certificates of indebtedness shall be issued to finance the improvement. Such permanent certificates of indebtedness shall bear interest rates and maturity dates as determined by the council and as provided by the laws of the State of Minnesota.

**Section 6.15. Anticipation Certificates.** At any time after January 1 the council may issue certificates of indebtedness in anticipation of the collection of state and federal aids and collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund or any year, together with interest thereon until maturity, shall not exceed the total state or federal aids or current taxes for the fund 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 fund against which anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates.

**Section 6.16. Emergency Debt Certificates.** If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency necessitates the making of extraordinary 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 years. A tax sufficient to pay principal and interest on such certificates within 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 two-thirds (2/3) of all members of the council. It may be passed as an emergency ordinance.

**Section 6.17. Financing Purchase of Certain Equipment.** The council may issue certificates of indebtedness within existing debt limits for the purpose of purchasing fire or police equipment or ambulance equipment or street construction or maintenance equipment. 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 percent 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 percent of the number of voters at the last regular municipal election is filed with the clerk-treasurer, 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.

## **Chapter VII**

### **Public Improvements and Special Assessments**

**Section 7.01. Power to Make Improvements and Levy Assessments.** The city may make any type of public improvement not forbidden by law and levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The total assessments for any local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. No assessment shall exceed the benefits to the property.

**Section 7.02. Assessments for Services.** The council may provide by ordinance that the cost of city services to streets, sidewalks, or other public or private property may be assessed against property benefited and collected in the same manner as special assessments.

**Section 7.03. Local Improvement Procedure.** When the city undertakes any local improvement to which the state local improvement code applies, it shall comply with the provisions of that law. The council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefore.

## **Chapter VIII**

### **Franchises**

**Section 8.01. Franchises Required.** Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the clerk-treasurer to guarantee publication before the ordinance is passed.

**Section 8.02. Term.** No exclusive or perpetual franchise shall ever be granted.

**Section 8.03. 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.

**Section 8.04. Power and 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 to 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.

**Section 8.05. 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.

## **Chapter IX**

### **Water, Light, Power and Building Commission**

**Section 9.01.** The Water, Light, Power and Building Commission existing at the time of adoption of this charter shall continue in force and effect, subject to the provisions of this charter, under the same name.

**Section 9.02. Members, Appointment.** The present commission is composed of three members, the term of one member expiring each year on the 29<sup>th</sup> day of November. Effective with the adoption of this charter, the terms of office of the commission members are extended to December 31<sup>st</sup> of their respective years of expiration, and until their successors are appointed and qualified. In addition thereto, there shall be an ex officio member from the council, as provided in Section 4.02 of this charter.

**Section 9.03. Rules, Officers, Salary.** The commission shall adopt rules for its own proceedings, and the rules, regulations and rates heretofore established by said commission are hereby confirmed. It shall annually choose a president from its own members. It shall also appoint a secretary for an indefinite term, who need not be a member of the commission. The secretary shall receive a salary fixed by the commission.

**Section 9.04. Commission, Jurisdiction.** Said commission presently has jurisdiction over the city water system, the light and power distribution system, and the public buildings owned or leased by the city. The commission shall continue, after the effective date of this charter, to have jurisdiction over such buildings and facilities as relate to its operation, and such other buildings and facilities owned or leased by the city as the council shall by resolution confer upon them.

**Section 9.05. Budget Estimate.** Annually, as provided in Chapter VI of this charter, the said commission shall submit a budget estimate for its department, and shall comply with the provisions of said Chapter VI.

**Section 9.06. Specific Powers.**

*Subdivision 1.* The commission shall have power to extend and to modify or rebuild any public utility it has jurisdiction over, and to do anything it deems necessary for its proper and efficient operation; and it may enter into necessary contracts for these purposes. The provisions of this Charter and the Laws of the State of Minnesota relating to advertisement for bids shall apply to contracts of the commission.

*Subdivision 2.* The commission shall have power to employ all necessary help for the management and operation of the public utility, prescribe duties of officers and employees and fix their compensation.

*Subdivision 3.* The commission shall have power to buy all fuel and supplies, and it may purchase wholesale electric energy, steam heat, gas or water, as the case may be for municipal distribution.

*Subdivision 4.* The commission shall have power to fix rates and to adopt reasonable rules and regulations for utility service supplied by the municipally owned public utilities within its jurisdiction.

**Section 9.07. Public Utility Fund and Disbursements.**

*Subdivision 1.* A separate fund or a separate account shall be established in the city treasury for the utilities. Into this fund or account shall be paid all the receipts from the utilities and from it shall be paid all disbursements attributable to the utilities.

*Subdivision 2.* The commission shall, in the same manner as the council, and to the same extent, audit claims to be paid from the public utilities fund. The secretary of the commission shall draw his order upon the public utility fund. After the secretary of the commission prepares the checks as ordered, the president of the commission and the secretary of the commission shall sign the checks indicating the same have been audited, verified and prepared for the clerk-treasurer's signature and payment thereof.

**Section 9.08. Reports.** The secretary of the commission shall make such monthly, quarterly or annual statements of operation as the commission may require. A copy of each such report shall be filed in the office of the clerk-treasurer. An annual financial report shall be made and a copy filed with the clerk-treasurer at the close of the calendar year, and shall be included as part of the annual financial statement of the clerk-treasurer. The cost of publication of any other official statement required by law to be published shall be paid from the public utility funds.

## **Chapter X**

### **General Provisions**

**Section 10.01. Official Publication.** Effective January 1, 1982, 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 ordinance and other matters required by law to be so published, as well as such other matters as the Council may deem in the public interest to have published in this manner. This amendment is effective January 1, 1982.

**Section 10.02. Official Interest in Contracts.** Except as otherwise permitted by law, no officer of the city who is authorized to take part in any contract with the city shall voluntarily have a personal financial interest in or personally benefit from such contract.

**Section 10.03. Acquisition and Sale of Property.** The council may acquire by purchase, lease, gift, grant, 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 exercising the power of eminent domain, the city shall proceed according to Minnesota Statutes, Chapter 117, or other applicable law. The city may sell, convey and dispose of any real property not needed for municipal purposes by resolution approved by a two-thirds (2/3) vote of all the members of the council.

**Section 10.04. Control of Streets.** The council shall have the care, supervision and control of all public highways, bridges, streets, boulevards, lanes, alleys, public squares and grounds, sewers, public improvements and shall have full power and authority to regulate and control the use thereof; it shall have authority to open streets when necessary and to cause all streets which may have been opened under the authority of the city, or with its consent, to be kept open and in repair and free from obstructions and nuisance.

**Section 10.05. Vacation of Streets.** The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land and land area abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of three-fourths (3/4) of all members of the council. No such vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two (2) weeks published Notice. After a resolution of vacation is adopted, it shall be effective after a certified copy of said resolution has been filed for record and duly recorded in the office of the Register of Deeds in and for the County of Polk and State of Minnesota.

**Section 10.06. City Property Not Lost by Adverse Possession.** No right, title, estate or easement of the city 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 highway shall have been improved or not.

**Section 10.07. Recovery of Judgment for Damages.** If any judgment shall be recovered in any action against the city for any injury or damage caused for any obstruction, excavation, opening or defect in any street or alley or public ground caused or occasioned by the act or omission of any person or corporation, the city shall have the right to recover the amount of any such judgment from the person or corporation so responsible for such obstruction, excavation, opening or defect; and such person or corporation is hereby declared to be liable to the city in the amount of such damages.

**Section 10.08. Statutes Not Affected.** All general laws and statutes of the state applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of East Grand Forks operating under home rule charters and not inconsistent with the provisions of this charter, shall apply to the City of East Grand Forks and shall be construed as supplementary to the provisions of the charter of the city.

**Section 10.09. Provisions Severable.** The various sections and provisions of this charter, and the clauses, phrases and sentences thereof, shall be severable, and if any section, part or provisions shall be held to be invalid, it shall not be construed as invalidating any other part or portion thereof.

**Section 10.10. 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 Laws of 1895, State of Minnesota, Chapter 8, as amended.

**Section 10.11. Existing Ordinances Continued.** All ordinances and regulations of the city in force when this charter takes effect and not inconsistent with this charter are continued in full force and effect until amended or repealed.

**Section 10.12. Pending Condemnations, Improvements and Assessments.** Any condemnation, public 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 10.13. Ordinances to Make Charter Effective.** The council shall by ordinance, resolution, or other appropriate action take such steps as may be necessary to make effective provisions of this charter.

**Section 10.14. Advertising.** The city may expend city funds for the purpose of advertising the city and its resources and advantages, pursuant to the provisions of Minnesota Statutes, Section 465.56.

**Section 10.15. Advertising for Bids.** Except where otherwise provided by state law or by this charter, every advertisement for bids, when sealed bids are required, shall be made

by the publication in the official newspaper of the city at least twice, of a notice containing a general description of the contract to be let or the property to be purchased or sold, and shall invite sealed proposals therefore, which proposals shall be designated in said advertisement, not less than three (3) days after the last publication. All proposals shall be opened and read by the Clerk-Treasurer in the presence of the Council , or the Council may direct that the bids shall be opened publicly by two or more designated officers or agents of the municipality and tabulated in advance of the meeting at which any of the same are acted upon or accepted. This amendment is effective upon passage as provided by Section 410.12, subdivision 7, of Minnesota Statutes.

**Section 10.16. 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 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 1976 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 first city council as provided in Chapter V of this charter.

**Section 10.17. Effective Date of Charter.** This character shall become effective seven (7) days after the canvass of the votes cast at the election upon the charter and compliance by the clerk-treasurer with the filing requirements as set forth in Minnesota Statutes, Section 410.11, as amended.