

# 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. The municipal government is 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”. The council shall enact local legislation, adopt budgets and determine policies. The council may create or alter departments, divisions, bureaus, commissions and boards for the administration of the city’s affairs as it may deem necessary for efficient government.

**Section 2.02. Wards.** The city shall be divided into five (5) wards. 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 council members 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 council member shall be a resident of the ward from which they are elected, but a change in ward boundaries does not disqualify a council member from serving the remainder of their 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: a) confirm the existing ward boundaries as conforming to the standards of subdivision 1 or, b) 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.

**Section 2.03. Elective Officers and Elections.** The elective officers of the city shall be one mayor, one ward council member elected from each ward in the city, and two council members elected from the city at large. Each ward council member shall be a resident of the ward from which they are elected and shall serve for a term of four (4) years and until their successor is elected and qualified, except as otherwise provided in this chapter. Each council member-at-large shall be a resident of the city and shall serve for a term of four (4) years and until their successor is elected and qualified, except as provided in this chapter. The three (3) council members from the odd-numbered wards and a council member at large shall be elected in the same year as the National Presidential election which is held every four (4) years, in years divisible by four (4). The other two (2) council members from the even numbered wards and a council member at large shall be elected in the midterm election years, which is the nonpresidential election years. The mayor shall serve for a term of four (4) years, serve until a successor is elected and qualified, and shall be elected in the years of the national presidential election.

**Section 2.04. Vacancy in Office.** An elective office becomes vacant when the person elected or appointed dies before taking office or fails to qualify on or before the second regular monthly

meeting of the council held after the beginning of the term of such office. Additionally, an elective office becomes vacant if the incumbent dies, resigns in writing filed with the deputy city clerk, is convicted of a felony before or after qualifying for such office unless their voting rights have been restored, ceases to reside in the city or the ward from which they were 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 their 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 only until a qualified 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 council member-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 and the vacant 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 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 have control of and oversee its police force. The members of the police force shall be nominated by the mayor in accordance with the civil service rules and regulations in effect at the time of appointment. All appointments must be confirmed by the council. 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. 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 their 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, department, board, or commission of the city government. The council may also perform any survey or research study of any subject of municipal concern.

**Section 2.08. Salaries.** The mayor and the council members 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 and according to the Minnesota Data Practices Act.

**Section 3.02. Legislative Power Vested in the Council.** The legislative power and authority of the city shall be vested in the council, unless otherwise expressly provided in the charter, the council shall have all powers granted to the city. The power includes management and control of the finances and property of the city. The council has full power and authority to make, ordain, establish, publish, alter, modify, amend and repeal ordinances, resolutions, rules and regulations for the government. 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 meet biennially on the first Tuesday after the first Monday in January succeeding the city election 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. The council may also elect 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 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. The president or in the president's absence, the vice president 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, serve the role 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 City Clerk Shall Act as Secretary of the Council.** The city clerk or designee 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 acted upon only at a regular meeting occurring at least seven (7) days subsequent to the time of its introduction and first reading.

**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. The vote shall be taken by ayes and nays and 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 at least as many members of the council present 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 immediately presented to the mayor for approval. If the mayor approves, the mayor shall sign the same. However, if the mayor disapproves, the mayor shall return it to the council with the mayor’s objections by depositing the ordinance or resolution with the city administrator, 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 it was passed shall be deemed to have been reconsidered, and the question shall be again put forward for passage notwithstanding the objections of the mayor. If the council’s vote shall pass by a vote of three-fourths (3/4) of all its members, it shall have the same effect as if approved by the mayor. The council’s vote shall be by ayes and nays and shall be entered by the deputy city clerk on the record. No ordinance shall be signed by the mayor within four (4) days after the same is presented to the mayor. 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 city administrator shall endorse upon each 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. After publication the ordinance, resolution or order shall be recorded in a book kept for that purpose, which record shall be attested by the city administrator.

**Section 3.12. Effective Date of Ordinances and Resolutions.** Every ordinance shall be approved by the mayor and published and recorded by the city administrator or their designee before it takes effect. Every resolution shall be approved by the mayor and recorded by the city administrator in their 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 and the title of the ordinance or resolution to be repealed in whole or in part. No 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 the 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, safety, or welfare in the emergency as defined and declared in the preamble or the ordinance. An emergency ordinance shall be 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 city administrator and posted in three (3) conspicuous places one of which shall be the city's website, 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 their act or omission violating the ordinance.

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

## Chapter IV

### Administration

**Section 4.01 Appointive Officers.** The council appoint a city administrator, city attorney, city engineer, city clerk, deputy city clerk, and chief of police. All appointed officers shall continue in office until their successors have been appointed and qualified. All appointive officers shall perform all duties imposed by law upon their respective offices and all duties consistent with their respective offices as the council may direct by ordinance or resolution. The council shall have the right and power to employ special and additional counsel for special matters or actions of law in which the city is interested.

**Section 4.02. City Administrator.** The council shall appoint a city administrator and delegate to that person whatever powers, ministerial or administrative, that it deems necessary and proper for the administration of city affairs. The city administrator shall be appointed for an indefinite period and may be removed by the council at any time. The city administrator shall be designated the city clerk and/or treasurer for the purposes of carrying out Minnesota statutes in the absence of such a person. The city administrator shall attend meetings of the council. The city administrator shall keep an office open at hours fixed by the council and at the place designated by the council. The city administrator shall sign and file all contracts and perform all things necessary to effectuate the contracts as directed. The city administrator shall sign all orders upon the city treasury for money authorized to be paid, except the administrator shall not sign any order unless there is a sufficient amount credited to the fund upon which the order is drawn. The city administrator with the assistance of the city finance director shall be the custodian of all funds and securities belonging to the city. The city administrator shall be responsible for the safe keeping of the funds and securities and keep an accurate detailed account in such form as directed by the council.

**Section 4.03 Purchases and Contracts.** The city administrator shall be the chief purchasing agent of the city. All city purchases shall be made by the city administrator in accordance with the provisions of state law. All other purchases shall be made, and all contracts let by the council after recommendation of the city administrator has been first obtained. Contracts shall be made in compliance with the uniform contracting law. All contracts, bonds, and instruments of any kind to which the city is a party shall be signed by the mayor and the city administrator or, in his/her absence, the deputy city clerk, on behalf of the city, and shall be executed in the name of the city. The council may, by resolution, adopt further regulations for the making of bids and letting contracts.

**Section 4.04. Deputy City Clerk.** The city council shall appoint an officer of the city who shall have the title of deputy city clerk. The deputy city clerk shall give notice of council meetings to its members and to the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the council or by state law. The deputy city clerk shall have custody of the corporate seal of the city and administer oaths and acknowledgments in all cases as required and sanctioned by law. The deputy city clerk shall keep all papers and records of the city except as otherwise provided in this charter.

**Section 4.05. 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 4.06. Chief of Police.** The police chief shall be responsible to and under the direct supervision of the mayor, however, in carrying out the daily functions and duties of his department, the chief shall report to and work with the city administrator. The police chief shall have the following powers and duties:

1. General supervision of the police department.
2. See that this charter and the laws, ordinances, and resolutions of the city and the laws of the State of Minnesota are enforced.
3. Attend all regular and special meetings of the council. They shall provide additional security at the meetings and maintain order as directed by the mayor or council. The mayor may, in their discretion, excuse the police chief from any such meeting.
4. Have all powers and duties as set forth by ordinance.
5. Shall perform such other duties prescribed by this charter or as may be required by the mayor or city council.

**Section 4.07. Qualifying.** Every person appointed to any office shall take and subscribe to the oath provided by law. The city administrator 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 4.08. Boards and Commissions.** The council may by ordinance establish any board or commission which it deems essential for the city's operation. The ordinance shall set forth fully the powers and duties of the board or commission, including methods of accounting and handling of funds and allowance and payment of claims. The council may also by ordinance passed by a three-fourths (3/4) vote of all members of the council, abolish any board or commission previously created, or alter its functions and duties, unless the 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 established by ordinance, any board or commission established by this charter, or any board or commission established by the council, shall have as

an ex officio member from the council, appointed by the council. Any ex officio member shall have the power to vote on all matters coming before the board or commission for which they are an ex officio member. No ex officio member shall be appointed chairman or hold any other office on the respective board or commission that they are appointed. 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 their compensation, subject to the council approval. The secretary of the Water, Light, Power and Building Commission shall be appointed by the commission 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 4.09. Department Heads.** Unless otherwise provided in this charter, administration of department functions and supervision of the department personnel shall be under the control of the respective department head. Department heads report to the city administrator except as otherwise stated in this chapter.

*Subdivision 1.* The department heads, except for the police chief, shall report to the city administrator for the administration of the affairs in their respective departments and shall have the following powers and duties:

1. They shall have the power and duties set forth by this charter or by ordinance.
2. They shall see that the charter and the laws, ordinances, and resolutions of the city are upheld.
3. They shall attend all regular meeting of the council, but the city administrator may, in their discretion, excuse a department head from any such meeting.
4. They shall perform such other duties as are prescribed by this charter, or may be required by the council.

**Section 4.10. Administrative Organization.** The council may, by ordinance alter the responsibilities of any department head by establishing, transferring, or abolishing offices and agencies, and prescribing their functions.

**Section 4.11. Continuance in Office.** Except as otherwise specifically provided in this charter, the adoption of this revised 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 even-numbered year at such place or places as the council may designate. The city administrator 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 city administrator 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 elective office under the provisions of this charter. This can be accomplished by filing an affidavit with the city administrator and paying a filing fee of \$2.00 to the city administrator, or by having an application filed in their behalf signed by at least five (5) qualified voters of the city and the area the office represents, containing their endorsed acceptance thereon, together with a \$2.00 filing fee. The 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 they seek 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,
- the safekeeping and disbursement of public monies,
- the exercise of sound discretion to 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 a system of local taxation for general or special purposes.

**Section 6.04. Budget Estimates.** Annually on or before the 15th 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 city administrator a written estimate of all revenues and expenditures for such department during the ensuing fiscal year.

**Section 6.05. Budget Preparation.** The city administrator 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 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 city administrator 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 city administrator shall explain the various items thereof as fully as may be deemed necessary by the council. The budget meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the ensuing 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 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 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 city administrator, 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 city administrator, 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 city administrator shall be responsible for all the accounts of the city and every branch thereof. The council may prescribe and enforce proper accounting and monthly reporting methods consistent with the law, this charter, and ordinances adopted in accord therewith. On or before the last day of March the city administrator 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 city administrator 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. However, 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 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 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 reason, 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 emergency debt certificates not to exceed three years. Emergency debt certificates are to be issued according to State Statute. 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, police, ambulance, street construction or maintenance equipment. Such certificates shall be payable in terms of five years or less 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. 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 city administrator, 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 of a local character. Assessments shall be subject to any special benefits tests as mandated by State or Federal law.

**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.

## 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 from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the city administrator to guarantee publication before the ordinance is passed.

**Section 8.02. Term.** No exclusive or perpetual franchise shall 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 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 commission is composed of three members, who are residents of the City. The terms of the members expire on December 31st of their respective years of expiration, and until their successors are appointed and qualified.

**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 also appoint for an indefinite term a secretary, 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. 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 within its jurisdiction and to do what it deems necessary for its proper and efficient operation. 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 and extent as the council audit claims to be paid from the public utilities fund. The secretary of the commission shall draw their 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 city administrator'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 city administrator. An annual financial report shall be made and a copy filed with the city administrator at the close of the calendar year, and shall be included as part of the annual financial statement of the city administrator. 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.** At its first meeting of each year, the council shall designate a legal newspaper or other mass media format of general circulation in the city as its official newspaper. The designated newspaper or other mass media format shall publish ordinances and other matters required by law to be so published, as well as other matters as the council may deem in the public interest to have published in this manner.

**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 their use. 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 all or part of any street, alley, public grounds or public way on its own motion or on petition of a majority of the owners of land and land area abutting 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. 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 by any obstruction, excavation, opening or defect in any street or alley or public ground caused or occasioned by the act or omission of any person or corporation, the city shall have the right to recover the amount of any such judgment from the person or corporation responsible for such obstruction, excavation, opening or defect. That 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 consistent 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. 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. Existing Ordinances Continued.** All ordinances and regulations of the city in force when this charter takes effect and not conflicting with this charter are continued in full force and effect until amended or repealed.

**Section 10.11. 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 10.12. 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 10.13. 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 10.14. Advertising for Bids.** The City shall follow State and Federal law governing advertisement for bids.

**Section 10.15. 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 upcoming fiscal year.

**Section 10.16. Effective Date of Charter.** This charter shall become effective seven (7) days after the canvass of the votes cast at the election upon the charter and compliance by the city administrator with the filing requirements as set forth in Minnesota Statutes, Section 410.11, as amended.