

AMENDED CHARTER

CITY OF VIRGINIA

LAST REVISION: November 2, 1993

HOME RULE CHARTER

SUB-ANALYSIS

		PAGE
CHAPTER 1	NAME, FORM OF GOVERNMENT, BOUNDARIES, POWERS, AND GENERAL PROVISIONS.....	6
SECTION	1.01 Name.....	6
	1.02 Form of Government.....	6
	1.03 City Boundaries.....	6
	1.04 Powers of the City.....	6
	1.05 Charter a Public Act.....	6
	1.06 Word Usage.....	7
CHAPTER 2	THE CITY COUNCIL.....	8
SECTION	2.01 Composition and Election.....	8
	2.02 Powers and Duties.....	8
	2.03 The Mayor.....	9
	2.04 The Acting Mayor.....	9
	2.05 Incompatible Offices.....	9
	2.06 Vacancies.....	10
	2.07 Salaries.....	10
	2.08 Requirements of Two-Thirds Vote.....	10
CHAPTER 3	BOARDS AND COMMISSIONS.....	11
SECTION	3.01 Advisory Boards and Commissions, Generally.....	11
	3.02 Administrative Commissions Generally.....	13
	3.03 Public Utilities Commission.....	13
	3.04 Hospital Commission.....	14
	3.05 Sale of Publicly Owned Health Care Facilities.....	15
CHAPTER 4	COUNCIL PROCEDURE.....	16
SECTION	4.01 Council Meetings.....	16
	4.02 Rules of Procedure and Quorum.....	16
	4.03 Ordinances, Resolutions, and Motions.....	16
	4.04 Ordinance Adoption, Amendment and Repeal Procedures.....	17
	4.05 Codification of Ordinances.....	19
	4.06 Resolutions.....	19

CHAPTER 5	NOMINATIONS AND ELECTIONS.....	20
SECTION	5.01 Nominations for Office	20
	5.02 Primary Election	20
	5.03 General City Election.....	20
	5.04 Special Elections.....	20
	5.05 Election Notice.....	21
	5.06 Withdrawal.....	21
	5.07 Canvass of Elections	21
CHAPTER 6	INITIATIVE, REFERENDUM, AND RECALL.....	22
SECTION	6.01 Powers Reserved by the People	22
	6.02 Expenditures by Petitioners	22
	6.03 Further Regulations.....	22
	INIATIVE	
	6.04 Initiation of Measures	22
	6.05 Form of Petition and of Signature Papers	23
	6.06 Filing of Petitions and Action Thereon.....	24
	6.07 Action of Council on Petition	24
	6.08 Initiative Ballots.....	25
	6.09 Initiation of Charter Amendments	25
	REFERENDUM	
	6.10 The Referendum.....	26
	6.11 Referendum Petition	26
	6.12 Referendum Ballots	27
	RECALL	
	6.13 The Recall	27
	6.14 Recall Petitions	27
	6.15 Filing of Petition	28
	6.16 Recall Election	29
	6.17 Procedure at Recall Election.....	29
	6.18 Form of Recall Ballot.....	29
CHAPTER 7	TAXATION AND FINANCES.....	31
SECTION	7.01 Council to Control Finances	31
	7.02 Fiscal Year	31
	7.03 System of Taxation	31
	7.04 Submission of Budget.....	31
	7.05 Council Action on Budget	32
	7.06 Enforcement of the Budget.....	33

SECTION	7.07	Alterations of Budget.....	33
	7.08	Funds.....	34
	7.09	City Indebtedness.....	34
	7.10	Anticipation Certificates.....	34
	7.11	Emergency Debt Certificates.....	35
	7.12	Bank Loans.....	35
	7.13	Emergency Ordinance.....	36
CHAPTER 8		PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS	37
SECTION	8.01	Power to Make Improvements and Levy Assessments.....	37
	8.02	Assessments for Services.....	37
	8.03	Local Improvements Regulations.....	37
	8.04	Public Work; How Performed.....	37
CHAPTER 9		EMINENT DOMAIN	39
SECTION	9.01	Power to Acquire Property.....	39
CHAPTER 10		FRANCHISES.....	40
SECTION	10.01	Franchises Required.....	40
	10.02	Term.....	40
	10.03	Public Hearing.....	40
	10.04	Power of Regulation Reserved.....	40
	10.05	Renewals or Extensions.....	41
	10.06	Limitations.....	41
CHAPTER 11		PUBLIC OWNERSHIP AND OPERATION OF UTILITIES.....	42
SECTION	11.01	Acquisition and Operation of Utilities.....	42
	11.02	Purchase in Bulk.....	42
	11.03	Lease of Plant.....	42
	11.04	Sale of Public Utility.....	42
CHAPTER 12		MISCELLANEOUS AND TRANSITORY PROVISIONS	44
SECTION	12.01	Official Publications.....	44
	12.02	Oath of Office.....	44
	12.03	Official Interest in Contracts.....	44
	12.04	Official Bonds.....	44

SECTION	12.05	Sale of Real Property	45
	12.06	Vacation of Streets.....	45
	12.07	City to Succeed to Rights and Obligations of Former City	45
	12.08	Effective Date of This Charter.....	46
	12.09	Transition of Officers, Boards and Commissions.....	46
	12.10	Statutes Not Affected by Charter.....	46
	12.11	Existing Ordinances Continued	47
	12.12	Pending Condemnations, Improvements and Assessments	47
	12.13	Ordinances to Make Charter Effective	47
	12.14	Terms of Present Mayor and Councillors	47
	12.15	Purchases and Contracts	47
	12.16	Certification of Documents.....	48
	12.17	Disposal of Unclaimed Property.....	48
	12.18	City Property Not Lost by Adverse Possession	48

**CHARTER
OF THE
CITY OF VIRGINIA,
MINNESOTA**

**CHAPTER 1
NAME, FORM OF GOVERNMENT, BOUNDARIES,
POWERS, AND GENERAL PROVISIONS**

SECTION 1.01. NAME

The City of Virginia, in the County of St. Louis and State of Minnesota (herein “City”), shall continue to be a municipal corporation under that name.

SEC. 1.02. FORM OF GOVERNMENT

The form of government established by this Charter is the “Mayor-Council Plan”.

SEC. 1.03 CITY BOUNDARIES

The boundaries of the City are the same as they now are or hereafter may be established.

SEC. 1.04 POWERS OF THE CITY

The City shall have all powers, which may now or hereafter be possible for a municipal corporation in this State to exercise in harmony with the Constitutions of this State and of the United States. It is intended to confer upon the City every power, which it would have if it were specifically mentioned. The Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the City to those so mentioned.

SEC. 1.05 CHARTER A PUBLIC ACT

This Charter shall be a public act and need not be pleaded or proved in any case.

SEC. 1.06 WORD USAGE

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

CHAPTER 2
THE CITY COUNCIL

SECTION 2.01 COMPOSITION AND ELECTION

The City Council (throughout this Charter “the Council”) shall be composed of a Mayor and six Councillors (except for the City transition period to hold elections on even numbered years).

All members of the Council shall be elected for terms of four (4) years by and from the electors of the City-at-large. All members of the Council shall hold office until a successor is elected and qualifies.

Terms of the Councillors shall be overlapping with three (3) Councillors elected at each election. The Council shall be judges of election returns. During the transition period from 2009 through 2012 the elections shall be as follows:

In 2009, three Council members shall be elected to three-year terms and four-year terms thereafter;

In 2011, the Mayor and three Council members shall be elected to three-year terms until 2014 and four-year terms thereafter.

(Amended 3/10/09)

SEC. 2.02. POWERS AND DUTIES

It is the duty of the Council to act in the best interests of the entire City and it shall have all powers to do so, except as limited by statute or the provisions of the Charter.

The Council may create, change or abolish such positions, departments, divisions, and bureaus for the efficient administration of City affairs, as it may deem necessary, and, from time to time, alter their powers and organization. The Council shall provide for an audit of the City’s accounts at least once a year by the State Department in charge of such work or by a certified public accountant.

The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City and it may cause to be made any survey or research study of any subject of City concern. The Council shall appoint or remove, for cause, personnel as may be required for the efficient operation of the City. The Council shall fix and determine salaries to be paid employees and employee benefits. The Council, as a body, in a meeting at which a quorum is present, shall, by majority vote, exercise the exclusive legislative authority of the City and determine the matters of policy.

SEC. 2.03 THE MAYOR

The Mayor shall be the presiding officer of the Council. The Mayor shall have a vote as a member of the Council. He shall exercise all powers and perform all duties conferred and imposed upon him by this Charter, the ordinances of the City, and the laws of the State.

He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purpose of martial law.

SEC. 2.04 THE ACTING MAYOR

The Council shall choose from the Councillors an Acting Mayor, who shall hold such office at the pleasure of the Council. The Acting Mayor shall serve as presiding officer in the Mayor's absence and as Mayor in case of the Mayor's temporary disability or absence from the City. The Acting Mayor, while serving as presiding officer or performing other duties as Mayor, shall have a vote as Mayor, but not an additional vote as a Councillor.

SEC. 2.05 INCOMPATIBLE OFFICES

No member of the Council may hold any paid City office or employment other than that to which elected, and until two years after the expiration of the terms to which elected as Mayor or Councillor.

SEC. 2.06 VACANCIES

A vacancy in the Council, whether it be in the office of Mayor or Councillor, shall be deemed to exist if the incumbent dies, resigns, is convicted of any infamous crime, or any offense involving violation of the official oath, fails to take and file the oath of office at or before the date of the second regular meeting of the Council held after January 1 next following the election at which elected or the second regular Council meeting held after the appointment is communicated to an appointee, or continuous absence from the City in excess of three (3) months.

In such case, the Council, by resolution, shall declare vacancy to exist and shall within 30 days of such declaration appoint an eligible person to fill the vacated office until the next regularly scheduled Council election when the office shall be filled for the un-expired term.

SEC. 2.07. SALARIES

The members of the Council shall serve with reasonable compensation. The Council, by ordinance, may change the annual salary of its members, and such ordinance shall take effect as provided by statute.

SEC. 2.08. REQUIREMENTS OF TWO-THIRDS VOTE

Ever ordinance or resolution appropriating money, levying any tax or assessment, creating any financial liability of the City, authorizing the issuance of bonds of the City, awarding or approving any contract for payment of money, ordering any condemnation of private property, ordering the making of any public improvement, or ordering the vacating of any street, alley, boulevard, or other public thoroughfare shall require a vote of at least two-thirds of the members elect of the Council.

CHAPTER 3
BOARDS AND COMMISSIONS

SECTION 3.01. ADVISORY BOARDS AND COMMISSIONS, GENERALLY

Except as otherwise provided in this Section, the Council may, by ordinance or resolution, establish and regulate any Board or Commission to advise the Council with respect to any City function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions.

Any Advisory Board or Commission may be abolished by action of the Council, similar to that by which it was established.

A Library Commission is authorized as a permitted advisory Commission hereunder. No other Library Commission shall be allowed.

All Commission members must be qualified electors and residents of the City for at least one (1) year. (Amended 3/25/03)

All Commission vacancies shall be advertised in the official newspaper of the City. The advertisement must appear a minimum of three times at no more frequent intervals than once per week; a minimum of sixty days before a vacancy occurs, when possible.

All Commission applicants must fill out an application form developed for same by the Council. A screening of applicants will be provided for by a subcommittee of Councillors; appointed by the Mayor. Said committee shall evaluate applicants for Commission appointments and submit the most qualified person's name to the whole Council for consideration. Commissioners shall be nominated to serve by a majority vote of the Council from the names submitted by the screening committee.

Commissioners shall hold office for a term of three (3) years and until their respective successors are appointed. Should the office of any Commissioner become vacant before the

expiration of the term for which he/she is appointed, the Mayor and the Council, as hereinbefore provided, shall appoint a person to serve the balance of the un-expired term.

Commissioners shall serve without pay; they shall be eligible for reappointment, except no Commissioner shall serve more than three (3) consecutive three-year terms. No Commissioner shall hold any other office or employment under the City during the term he/she served as Commissioner.

Appointments of Commissioners shall be made in January of each year or such other time as the Mayor and Council deem necessary, and their terms of office shall begin on February 1 following or such other time as the Mayor and Council may determine.

A vacancy shall be deemed to exist in case of the failure of any person elected or appointed thereto to qualify on or before the date his/her term begins; or by reason of his/her death, resignation, removal from the City or a continual absence from the City for more than three (3) months; or by reason of conviction of a felony whether before or after his/her appointment; or by reason of failure of any such person without good cause to perform any of the duties of his/her office. Commission members may be removed from office at any time for cause by a majority vote of the Council.

The annual meeting of the each Commission shall be held in February; subsequent meetings shall be held at such times and places as each Commission shall decide. Each Commission shall, at its first meeting in January, elect from its membership a Chairperson and Secretary to serve for the ensuing year. The Chairperson shall preside at all meetings and the Secretary shall keep minutes. Said minutes shall be filed with the person or department so designated by the Council within five (5) days after said minutes have been approved. Copies of minutes shall be kept on file in the office of the person or department so designated by the Council. No other publication of said minutes shall be required. Each Commission shall make monthly financial reports and other reports as the Council may require.

SEC. 3.02 ADMINISTRATIVE COMMISSIONS, GENERALLY

Two Administrative Commissions are hereby established. A Public Utilities Commission for the operation and management of such municipal utilities, and a Hospital Commission for the operation and management of the municipal hospital.

All Commission action shall be subject to override by the Council by a two-thirds majority if the action involves financial matters and a simple majority on all other matters within ten (10) days after the minutes noting said Commission action has been filed with the person or department so designated by the Council. Notwithstanding anything set out in this Chapter, neither the Public Utilities Commission nor the Hospital Commission may issue or sell obligations for any purpose, but these Commissions may request the Council to do so pursuant to its authority.

Public Utilities and Hospital Commissions shall set bond to be given by such of its employees as have departmental funds in their charge, and shall pay the premiums on such bonds.

SEC. 3.03 PUBLIC UTILITIES COMMISSION

Subd. 1 Composition

The Public Utilities Commission shall be composed of five (5) members.

Subd. 2 Powers and Duties

The Public Utilities Commission shall manage the water, gas, steam heat, electric and such other utilities as the Council may direct by ordinance for the production and/or purchase as well as cost of utility services, and the distribution of same to consumers as well as other acts deemed necessary or desirable in the interest of providing for an efficient operation of said utility.

The Commission shall furnish such water drawn by the City through City hydrants, and electric current used by the City for street lighting, free of charge.

The Commission shall establish the policies under which the utility shall operate and will yield appropriate sums for depreciation and reserve accounts, and for the retirement of any bond indebtedness incurred by the City for capital expenditures of the Department.

The Commission shall have the proceeds of such bonds of the City as may be sold to provide funds for its capital expenditures. The Commission may make transfers between funds, except funds established for the payment of bonds and bond interest.

The President and Secretary shall sign all contracts and orders for payment of monies. In addition, the Commission shall appoint or remove, for cause, personnel as may be required for the efficient operation of said utilities.

SEC 3.04 HOSPITAL COMMISSION

Subd. 1. Composition

The Hospital Commission shall be composed of seven (7) members. No more than one Commission member shall be a practicing health care professional.

Subd. 2 Powers and Duties

The Hospital Commission shall be responsible for the efficient operation and management of publicly owned health care facilities within the City. In so doing, shall have power to appoint or remove, for cause, such personnel as may be required.

The Commission may also contract with any person or corporate body to provide hospital care or hospital management services. It shall have control over such monies as the Council may appropriate as well as other monies received in the operation of said facilities. The President and Secretary of the Commission shall sign all contracts and orders for payment of monies. The Hospital Commission shall set such charges of services as will, so far as possible, cover operating costs of the Department, consistent with good hospital practice.

The Commission may establish and maintain under its control a depreciation reserve for the purpose of providing repairs to and replacement of its facilities and equipment or the purchase of new equipment. The Commission shall establish policies under which said facilities shall operate. The Commission is not authorized to contract for, or negotiate, the sale of publicly owned-health care facilities except to the extent authorized by this Charter.

SEC. 3.05. SALE OF PUBLICLY OWNED HEALTH CARE FACILITIES

No publicly-owned health care facilities shall be sold or otherwise disposed of by the City unless the full terms of the preposition of sale or other disposition are embodied in an ordinance approved by a majority of the voters voting thereon at a general or special election, which sale or disposition shall also be subject to the requirements of State law. Provided, that this Section shall not apply to sale of equipment, disposition of equipment, or exchange of equipment for the purpose of modernization or updating obsolete or disposing of unused equipment. Provided, further, that, for the purpose of this Section, relinquishing management or control of hospital buildings or grounds, or other health care facilities is a sale.

CHAPTER 4
COUNCIL PROCEDURE

SECTION 4.01. COUNCIL MEETINGS

All newly elected members of the Council shall take office at an organizational meeting held on the first regular business day of January next following the general City election at which they are elected. Thereafter the Council shall meet at such time or times each month as may be prescribed by ordinance or resolution; provided, that the Council shall hold at least one regular meeting each month.

The Mayor, or any three members of the Council, may call special meetings of the Council upon such notice as is provided by ordinance or statute. Notice of such meetings may be given to members of the Council by any means provided in its rules, which must be consistent with any applicable statutory provision. All meetings of the Council shall be public, except as otherwise provided by statute, and any citizen shall have access to the minutes and records thereof at all reasonable times.

SEC. 4.02. RULES OF PROCEDURE AND QUORUM

The Council shall determine its own rules and order of business. Four Councilors shall constitute a quorum to do business, but a smaller number may adjourn from time-to-time. The Council, may by rule, provide a means by which a minority may compel the attendance of absent members.

SEC. 4.03. ORDINANCES, RESOLUTIONS, AND MOTIONS

Except as in this Charter otherwise provided, all legislation shall be by ordinance. The aye and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of at least four members of the Council shall be required for the adoption of all ordinances and resolutions, except as otherwise provided in this Charter.

SEC. 4.04 ORDINANCE ADOPTION, AMENDMENT AND REPEAL PROCEDURE

Subd. 1 Form and Adoption

The ordaining clause of all ordinances shall be in the words, “The City of Virginia ordains”. Every ordinance, except an emergency ordinance, shall be introduced in writing and at a regular meeting, and may be adopted at any regular meeting occurring at least fourteen (14) days after the meeting at which it was introduced. No ordinance shall contain more than one subject, which shall be clearly expressed in its title.

Subd. 2. Signing and Publication

Every ordinance adopted by the Council shall be signed by the Mayor or by two Councillors, attested, filed and preserved by the person designated by the Council. Every ordinance shall be published once in the official newspaper. However, as to lengthy ordinances, or ordinances which include charts or maps, the Council may, by unanimous vote, determine that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of such ordinance, and direct that only the title and summary be published with a notice that a printed copy of the ordinance is available for inspection during regular office hours at the office of the person or department so designated by the Council and at the City Library. The text of the summary shall be approved by the Council prior to publication. Such publication shall be deemed to fulfill all legal requirements for publication as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than brevier or eight-point type as defined in Minnesota Statutes. Proof of publication shall be attached to and filed with the ordinance. To the extent and in the manner provided by law, an ordinance may incorporate by reference a Statute of Minnesota, a State administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Subd. 3. Emergency

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is

defined and declared in a preamble thereto. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four hours after the ordinance has been filed with the City Clerk and posted in three conspicuous places or until the ordinance has been once published in the official newspaper, unless the person charged with violation had actual notice of the adoption of the ordinance prior to the act or omission of which complaint is made.

Subd. 4. When Effective.

An emergency ordinance shall take effect immediately upon its adoption or at such later date as is fixed therein. Every other ordinance shall take effect fifteen (15) days after publication of the ordinance or publication of the summary, as the case may be, or at such later date as is fixed therein. Every ordinance adopted by the voters of the City shall take effect immediately upon its adoption, or at such later time as is fixed therein.

Subd. 5 Amendment or Repeal.

Every ordinance repealing a previous ordinance or section or subdivision of a codification shall give the number, if any, and the title of the ordinance or section or subdivision to be repealed in whole or in part. No ordinance or section or subdivision shall be amended by reference to the title alone, but such an amending ordinance shall set forth in full each section, subdivision, or subparagraph as amended.

Subd. 6. Copies of Ordinances.

Public readings of entire ordinances at City Council meetings shall not be required or even permitted. Provided, however, that any resident of the City may, at any time between introduction and final adoption of an ordinance, except an emergency ordinance, request a copy from the person or department so designated by the Council. All such requests shall be honored except that as to lengthy ordinances or ordinances which include charts or maps referred to in Subdivision 2 of this Section, a complete copy shall not be furnished, but the summary, when prepared, shall be furnished to the person requesting the same.

SEC. 4.05. CODIFICATION OF ORDINANCES

The City may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet, or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the person designated by the Council for general distribution to the public free or at a reasonable charge. Distribution in such published form shall be a sufficient notice of any ordinance provision not previously published.

SEC. 4.06 RESOLUTIONS

Every resolution shall be presented in writing unless such form is waived by the unanimous consent of the Council. All resolutions take effect immediately upon adoption or at such later date as is fixed therein.

CHAPTER 5
NOMINATIONS AND ELECTIONS

SECTION 5.01. NOMINATIONS FOR OFFICE

At any time not more than forty-five days, nor less than twenty one days, prior to the date for a primary election, any eligible person may become a candidate for any elective office under the provisions of this Charter, either by filing an affidavit with the person designated by the Council, or by having an application in his or her behalf signed by at least five qualified voters and containing the endorsed acceptance of the proposed candidate. Such affidavit or application shall be on a form furnished by the City and stating the full name and address of the candidate and office for which he or she is candidate. A filing fee of \$10.00 shall accompany the document.

SEC. 5.02. PRIMARY ELECTION

If the number of candidates who have filed for an elective office is more than twice the number of vacancies to be filled, there shall be a primary election to eliminate the excess numbers of candidates. Pursuant to State law, such primary election shall be held on the first Tuesday after the second Monday in September.

SEC. 5.03. GENERAL CITY ELECTION

A general City election shall be held on the first Tuesday after the first Monday in November of each even-numbered year subject to a transition election as outlined in Section 2.01. The candidate(s) receiving a plurality of the votes over the other candidate(s) shall be elected.

(Amended 3/10/09)

SEC. 5.04. SPECIAL ELECTIONS

The Council may, by resolution, order a special election and provide all means for holding it. The procedure at such election shall conform as nearly as possible to that prescribed for other City elections.

SEC. 5.05 ELECTION NOTICE

The person designated by the Council shall give at least two weeks previous notice of the time and place of holding all elections and of the officers to be elected and proposals to be submitted, if any, by posting in at least one public place in each voting precinct and by publication at least once in the official newspaper. Failure to give such notice shall not invalidate such election.

SEC. 5.06. WITHDRAWL

Any candidate may withdraw not later than twelve o'clock noon of the day following the last day for filing, by filing a written notice of withdrawal, signed and sworn to by the candidate, with the person designated by the Council.

SEC. 5.07 CANVASS OF ELECTIONS

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

CHAPTER 6
INITIATIVE, REFERENDUM AND RECALL

SECTION 6.01. POWERS RESERVED BY THE PEOPLE

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

SEC. 6.02 EXPENDITURES BY PETITIONERS

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

SEC. 6.03 FURTHER REGULATIONS

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

INITIATIVE

SEC. 6.04 INITIATION OF MEASURES

Any five registered voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition, they shall file a certified copy of their proposed ordinance with the person designated by the Council together with their names and addresses as members of such committee. They shall also attach a verified

copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefore.

SEC. 6.05. FORM OF PETITION AND OF SIGNATURE PAPERS

The petition for the adoption of any ordinances shall consist of the ordinance, together with all signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters at least equal to fifteen (15) percent of the number of voters casting ballots in the last regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION

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

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

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

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

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

SEC. 6.06 FILING OF PETITIONS AND ACTION THEREON

All the signature papers shall be filed in the office of the person designated by the Council as one instrument. Within five days after the filing of the petition, the person designated by the Council shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least equal to fifteen (15) percent of the number of voters casting ballots in the last regular municipal election.

If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period, the petition is found to be still insufficient or irregular, the Clerk shall file it in his office and shall notify each member of the committee of that fact.

The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the ordinance to the registered voters at the next regular or any special election at its option.

SEC. 6.07 ACTION OF COUNCIL ON PETITION

When the petition is found to be sufficient, the person designated by the Council shall so certify to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole.

The Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than 65 days after the date upon which it was submitted to the Council by the person designated by the Council.

If the Council fails to adopt the proposed ordinance, or it is adopted in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance

shall be submitted by the Council to the vote of the registered voters at the next election; but if the number of signers of the petition is at least equal to fifteen (15) percent of the number of voters casting ballots at the last regular City election, the Council shall call a special election upon the measure. Such special election shall be held not less than 30 nor more than 45 days from the date of final action on the ordinance by the Council or after the expiration of 65 days from the date of submission to the Council when there has been no final action; but if a regular election is to occur within three months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners does not express their dissatisfaction with such amended form by a statement filed with the person designated by the Council within 10 days of the adoption thereof by the Council, the ordinance need not be submitted to the registered voters.

SEC 6.08 INITIATIVE BALLOTS

The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either “yes” or “no” on the question of adoption.

If a majority of the registered voters voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of registered voters voting on the question shall prevail to the extent of the inconsistency.

SEC 6.09 INITIATION OF CHARTER AMENDMENTS

Nothing in this Charter shall be construed as in any way affecting the right of the registered voters under the Constitution and statutes of Minnesota to propose amendments to this Charter.

REFERENDUM

SEC. 6.10 THE REFERENDUM

If, prior to the date when an ordinance takes effect, a petition is signed by a number at least equal to fifteen (15) percent of the number of voters casting ballots in the last regular municipal election, and is filed with the person designated by the Council requesting that any such ordinance be repealed or be submitted to a vote of the registered voters, the ordinance shall thereby be prevented from taking effect.

The Council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote re-affirm its adherence to the ordinance as passed.

In the latter case, the Council shall immediately order a special election to be held thereon, or submit the ordinance at the next election, pending which the ordinance shall remain suspended. If a majority of the registered voters voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the registered voters voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

6.11 REFERENDUM PETITIONS

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

REFERENDUM PETITION

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

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

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

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

SEC. 6.12 REFERENDUM BALLOTS

The ballots used in any referendum election shall conform to the rules laid down in Section 6.08 of this Charter for initiative ballots.

THE RECALL

SEC 6.13 THE RECALL

Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The committee shall certify to the City the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words, and their intention to bring about his recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

SEC. 6.14 RECALL PETITIONS

The petition for the recall of any official shall consist of a certificate identical with that filed with the person designated by the Council together with all the signature papers and affidavits thereto attached.

All the signatures need not be on one signature paper, but the circulator of every paper shall make an affidavit that each signature appended to the paper is the genuine signature of the

person whose name it purports to be. Each signature paper shall be in substantially the following form:

RECALL PETITION

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

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

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

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

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

SEC. 6.15 FILING OF PETITION

Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the person designated by the Council. The person designated by the Council shall examine the petition within the next following five (5) days, and if he finds it irregular in any way or finds that the number of signers is less than twenty-five (25) percent of the number of voters casting ballots in the last regular City election, he shall so notify one or more members of the committee. The committee shall then be given ten days in which to

file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought.

If at the end of that time the person designated by the Council finds the petition still insufficient or irregular, he shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

SEC. 6.16 RECALL ELECTION

If a petition or amended petition is found sufficient, the person designated by the Council shall transmit to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special election not less than forty-five nor more than sixty (60) days after such meeting, but if any other election is to occur within sixty days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

SEC. 6.17 PROCEDURE AT RECALL ELECTION

The person designated by the Council shall include with the published or posted notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his course in office.

Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

SEC. 6.18 FORM OF RECALL BALLOT

Unless the officer whose removal is sought resigns within ten days after the receipt by the Council of the completed recall petition, the form of the ballot at such elections shall be as near as may be: "Shall _____ be recalled?" the name of the officer who is to be recalled in the blank, and the registered voters shall be permitted to vote separately "yes" or "no" upon this question.

The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: “Candidates to fill the place of _____, if recalled”; but the officer whose recall is sought shall not himself be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the un-expired term.

If the officer sought to be recalled resigns within ten days after receipt by the Council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular election.

CHAPTER 7
TAXATION AND FINANCES

SECTION 7.01. COUNCIL TO CONTROL FINANCES

The Council shall have full authority over the financial affairs of the City. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public moneys.

SEC. 7.02 FISCAL YEAR

The fiscal year of the City shall be the calendar year.

SEC. 7.03 SYSTEM OF TAXATION

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

This authority includes the power by ordinance to assess, levy and collect taxes on all subjects or objects of taxation except as limited or prohibited by the State Constitution, by this Charter or by laws imposing restrictions upon the City irrespective of Charter provisions; provided, however, the Council is hereby authorized to levy taxes for all general fund purposes without statutory limitation.

SEC. 7.04 SUBMISSION OF BUDGET

The Council shall appoint an administrative officer who shall submit to the Council a recommended budget as directed by a budget calendar to be established by the Council, or in the absence thereof, by September 1 of each year. The budget shall provide a complete financial plan for all City funds and activities for the ensuing financial year and, except as required by law or this Charter, shall contain such information and be in such form as the administrative officer preparing the recommended budget deems desirable or the Council may require.

It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated and the preceding financial year.

In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during ensuing years and the proposed method of financing each such capital expenditure.

SEC. 7.05 COUNCIL ACTION ON BUDGET

The budget shall be considered and adopted by the Council in the form and within the time period established by Minnesota Statute.

All meetings to consider the budget shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated fund balances.

The Council shall adopt the budget by a resolution which shall set forth the total for each budgeted fund and each department with such segregation as to subjects and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying the amount of taxes provided in the budget in accordance with Minnesota Statute.

Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named. The sums constituting an individual appropriation shall be the aggregate of all minor line item amounts contained in the detailed budget for the major categories of expenditures determined by general function or department within each fund.

The budget resolution shall reflect only the appropriation for each major budget category, function or department for the ensuing year. The Council shall, when adopting each budget,

determine such major categories, functions or departments in accordance with generally accepted accounting practices.

SEC. 7.06 ENFORCEMENT OF THE BUDGET

The City Council shall enforce strictly the provision of the budget. The Council shall not authorize any payment of the incurring of any obligation by the City unless an appropriation has been made for the same and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the City shall place any order or make any purchase for a purpose not authorized in the budget resolution or authorized in advance except by an ordinance drafted to specifically define and empower emergency response activities.

Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount exceeding an appropriation shall be a personal obligation upon the person incurring the obligation.

No check shall be issued or transfer made to any account other than one owned by the City until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet or other document approved and signed by the responsible City officer who vouches for its correctness and reasonableness.

SEC. 7.07 ALTERATIONS AND BUDGET

After the budget resolution has been adopted, the Council shall not increase the appropriations beyond the estimated revenue sources except to the extent that such sources exceed the existing fund balance. At any time the Council may, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution, or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

SEC 7.08 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.

SEC 7.09 CITY INDEBTEDNESS

Except as provided in this Chapter, obligations of the City may not be issued to pay current expenses. The Council may issue and sell general obligations pledging the full faith, credit and taxing powers of the City for any authorized corporate purpose except current expenses.

The Council may issue and sell revenue obligations for any public convenience from which a revenue is or may be derived. All obligations of the City, including obligations to finance facilities under the jurisdiction of the Public Utilities Commission, the Hospital Commission, or any other administrative commission are to be issued and sold by the City Council at the request of the respective administrative commission.

SEC. 7.10 ANTICIPATION CERTIFICATES

At any time after January 1, the Council may issue certificates of indebtedness in anticipation of State and Federal aids and the collection of taxes levied the previous year for any fund and not yet collected.

The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed the total of State and Federal aids and current taxes due to the fund and uncollected at the time of issuance.

Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due not later than April 1 of the year following their issuance. The proceeds of the tax levied and such State or Federal aids as the governing body may have

allocated for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates.

SEC. 7.11 EMERGENCY DEBT CERTIFICATES

If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency necessitates the making of 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 with the margin required by law shall be levied as required by law.

The ordinance authorizing an issue of such emergency debt certificates shall state the nature of the emergency and be approved by a unanimous vote of the Council. It may be passed as an emergency ordinance.

SEC. 7.12 BANK LOANS

Whenever the Council, by resolution, deems it necessary and advantageous, it may borrow money from any bank for the purpose of financing any authorized capital improvement or other purpose as allowed by this Charter or by law.

Such loans shall be payable within a maximum period of seven (7) years and shall be issued on such terms and in such manner as the Council may determine.

If the amount of the obligations 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 thirty (30) days after publication in the official newspaper of a Council resolution determining to issue them; and if, before the end of that time, the petition asking for an election on the proposition, signed by at least a number equal to fifteen (15) percent of the number of voters casting ballots in the last regular City election, is filed with the person

designated by the Council, such obligations shall not be issued until the proposition for 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 obligations as in the case of bonds as prescribed by law.

In lieu of borrowing money by bank loans as authorized by this Section, the Council may issue any other form of legal City obligation as allowed by law or by this Charter.

SEC. 7.13 EMERGENCY ORDINANCE

The Council may authorize, in advance, the purchase of services or the creation of City obligations not included in the budget by an ordinance drafted to strictly define and empower emergency response activities to address natural disasters.

Within 60 days following the purchase of such services or the creation of such City obligation, the Council shall issue Emergency Debt Certificates or otherwise provide for compliance with the provisions of this Chapter.

CHAPTER 8
PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

SEC. 8.01 POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS

The City shall have the power to make any and every type of public improvement not forbidden by the laws of this State and to levy special assessments to pay all or any part of the cost of such improvements as are of a local character.

The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvement, including all costs and expenses connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property.

SEC. 8.02 ASSESSMENTS FOR SERVICES

The Council may provide by ordinance that the cost of sprinkling, snow or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the costs of any services to other property undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

SEC. 8.03 LOCAL IMPROVEMENTS REGULATIONS

After this Charter takes effect, local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by the law (or Charter provisions) applicable thereto. The Council may prepare and adopt a comprehensive ordinance prescribing the procedure, which shall be followed thereafter in making all local improvements and levying assessments therefore. The Council may elect to use State law or the local improvement ordinance for the purpose of providing local improvements and assessments thereof.

SEC. 8.04 PUBLIC WORK; HOW PERFORMED

Public Works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract.

The City shall require contractors to give bonds for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the State.

CHAPTER 9
EMINENT DOMAIN

SEC. 9.01 POWER TO ACQUIRE PROPERTY

The City may acquire, by purchase, gift, devise, or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose.

Easements for slopes, fills, sewers, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power or for any other public use, may be acquired by gift, devise, purchase, or condemnation in the manner provided by the law.

All such property acquisitions, including condemnation shall be made under provisions of State law or other applicable law or regulation.

CHAPTER 10
FRANCHISES

SEC. 10.01 FRANCHISES REQUIRED

Except as otherwise provided by law, no person, firm or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the City.

A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise.

SEC. 10.02 TERM

No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding fifteen (15) years shall be effective until approved by a majority of the registered voters thereon.

SEC. 10.03 PUBLIC HEARING

Prior to formal negotiations for a proposed franchise, a public hearing for citizen review and comment shall be held. 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 hearings shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

SEC. 10.04 POWER OF REGULATION RESERVED

Subject to any applicable law, the Council may by ordinance reasonably regulate and control the exercise of any franchise. No franchise value shall be included in the evaluation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance or regulation.

SEC. 10.05 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.

SEC. 10.06 LIMITATIONS

The enumeration in this Charter of particular matters shall not be construed as limiting the right of the City to insert in such franchise such other and further conditions and restrictions as the Council may deem necessary or proper to protect the City's interests; nor shall anything contained in the Charter limit the right or power possessed by the City over existing franchises.

CHAPTER 11
PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

SEC. 11.01 ACQUISITION AND OPERATION OF UTILITIES

The City may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both.

Subject to applicable law, it may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the City has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired.

SEC. 11.02 PURCHASE IN BULK

The City may, in lieu of providing for the local production of gas, electricity, water, or other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

SEC. 11.03 LEASE OF PLANT

The City may, if the public interests will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by two-thirds vote of the Council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) years.

SEC. 11.04 SALE OF PUBLIC UTILITY

No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the voters voting thereon at a general or special election.

In addition, any sale, lease or abandonment of a public utility shall be subject to the requirements of the State law.

CHAPTER 12
MISCELLANEOUS AND TRANSITORY PROVISIONS

SEC. 12.01 OFFICIAL PUBLICATIONS

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

SEC. 12.02 OATH OF OFFICE

Every officer of the City shall, before entering upon the duties of the his office, take and subscribe an oath of office in substantially the following form:

“I do solemnly swear (or affirm) to support the constitution of the United States and of this State and to discharge faithfully the duties devolving upon me as (Mayor, Councillor, etc.) of the City of Virginia to the best of my judgment and ability.”

SEC. 12.03 OFFICIAL INTEREST IN CONTRACTS

Except as otherwise permitted by law, no officer of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in or personally benefit financially from such contract.

SEC. 12.04 OFFICIAL BONDS

All officers or employees of the City as may be provided for by ordinance, shall each before entering upon the duties of his respective office or employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of his official duties and the safekeeping of the public funds.

Such bonds may either be individual or blanket bonds in the discretion of the Council. They shall be approved by the Council, and approved as to form by the legal counsel, and filed with the person designated by the Council.

The provisions of the laws of the State relating to official bonds not inconsistent with this Charter shall be complied with. The premium on such bonds shall be paid by the City.

SEC. 12.05 SALE OF REAL PROPERTY

No real property of the City shall be disposed of except by resolution. A resolution authorizing sale of real property of the City shall not be adopted at the meeting at which it's introduced. At least ten (10) days shall elapse between the introduction and final adoption of such a resolution.

The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the Council may by resolution designate some other public use for the proceeds.

SEC. 12.06 VACATION OF STREETS

The Council may, by ordinance approved by four-fifths vote, vacate any street, alley, public grounds, public way or any part thereof within the City.

Such vacation may be made only after published notice and an opportunity has been given to affected property owners and the public to be heard, and upon such further terms and by such procedure as the Council, by ordinance, may prescribe.

In a proceeding under this Section, an easement may be reserved for any purpose, which the Council deems appropriate.

SEC. 12.07 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 the legal obligations of the City under the former charter.

SEC. 12.08 EFFECTIVE DATE OF THIS CHARTER

This Charter shall take effect on the date or at the time stated in the amending ordinance or, if an election is held authorizing its adoption, then it shall take effect on the first day of January 1994.

SEC. 12.09 TRANSITION OF OFFICERS, BOARDS, AND COMMISSIONS

The transition of operation of the affairs of the City from its last previous Charter to this Charter shall be as follows:

A. ADMINISTRATIVE OFFICERS

The terms of Administrative Officers appointed by the Council and presently serving shall continue to serve until succession is provided for. The Council shall provide for the succession in these offices in accordance with Chapter 2, and not later than June 30, 1994.

B. BOARDS AND COMMISSIONS

The terms of members of the Public Utilities Commission and the Hospital Commission shall continue for the remainder of their terms established by the Council under the previous Charter.

The terms of members of all other Board and Commissions established under the previous Charter shall end on January 1, 1994. The Mayor and Council shall make appointments to such advisory boards and commissions as may be created by ordinance giving due consideration to the appointment of persons who have served in positions terminated under this Section.

SEC. 12.10 STATUTES NOT AFFECTED BY CHARTER

All general laws and statutes of the State applicable to all cities of the same class as the City operating under home rule charters and not inconsistent with the provisions of this Charter, shall apply to the City, and shall be construed as supplementary to the provisions of this Charter.

SEC. 12.11 EXISTING ORDINANCES CONTINUED

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

SEC. 12.12 PENDING CONDEMNATIONS, IMPROVEMENTS AND ASSESSMENTS

Any condemnation, improvement or assessment proceedings in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun.

All assessments made by the City prior to the time when this Charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

SEC. 12.13 ORDINANCES TO MAKE CHARTER EFFECTIVE

The Council shall by ordinance, resolution or other appropriate action, take such steps as may be necessary to carry out and make effective the provisions of this Charter.

SEC. 12.14 TERMS OF PRESENT MAYOR AND COUNCILLORS

The present Mayor and Councillors shall, upon adoption of this Charter, continue to serve their current terms.

SEC. 12.15 PURCHASES AND CONTRACTS

All written contracts entered into on behalf of the City shall be approved by the Council and executed by the Mayor and the person designated by the Council in the name of the City.

All purchases and contracts shall be made or let in accordance with applicable State law and requirements thereof for bidding, quotations, or directly negotiated purchases.

SEC. 12.16 CERTIFICATION OF DOCUMENTS

As to all documents, certified copies of which are appropriate, it is the duty of the person designated by the Council to make such certifications.

SEC. 12.17 DISPOSAL OF UNCLAIMED PROPERTY

The Council may, by ordinance, provide for a system of disposal of unclaimed property coming into its possession in the course of municipal operations and remaining unclaimed by the owner. Any such ordinance shall provide for the manner of sale and the fund into which proceeds are to be placed.

SEC. 12.18 CITY PROPERTY NOT LOST BY ADVERSE POSSESSION

No right, title, estate or easement of the City in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the City in favor of any person occupying any public property or highway, whether such property shall have been improved or not.