



Our Vision

Red Wing thrives as a vibrant, creative river town that values its natural environment, welcomes all people, and unlocks opportunity for everyone.

Our Mission

We strive to create a sustainable, healthy, accessible, resilient, and equitable community where every person feels at home.

Meeting Announcement and Agenda Charter Commission Regular Meeting City Council Chambers, 315 West 4th Street, Red Wing, MN & Virtually Thursday, August 28, 2025, at 6:00 PM

This meeting will be held in the City Hall Council Chambers and virtually via Webex at the same time. Members of the public can join this meeting either in person at City Hall or virtually. To join this meeting via Webex, [click this link](#). To join via telephone, please dial (415) 655-0001. Enter access code 2558 633 5373 and password 2025 when prompted.

The purpose of the Charter Commission is to consider and recommend amendments, revisions and restatements to the Charter of the City of Red Wing and to perform such other duties as required in accordance with the Constitution and Laws of the State of Minnesota, and Bylaws and rules of the Charter Commission.

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Approval of Agenda**
- 5. Approval of Minutes**

5.A. Motion to Approve June 18, 2025, Annual Meeting Minutes.

- 6. Public Comment**

We now invite anyone to share their thoughts on a topic that is not on the agenda. We welcome all opinions and ideas. We appreciate you stating your name at the lectern, and please remember that personal attacks may be ruled out of order. You will have up to three minutes to comment, and we appreciate your time in coming tonight.

- 7. Motions & General Business**

7.A. Officers of the Council Discussion.

Chapter 3, Section 3.01 of the City Charter, Departments and Offices of Administration, lists ten officers of the Council. The Charter Commission is asked to consider recommending changes to this section to the City Council.

8. Communication Items

9. Adjournment

Accommodations for signing interpreter, Braille, large print, etc. can be made. Call City Hall at 385.3600 seven days prior to the need. Hearing assistance devices are available during meetings.

**Red Wing Charter Commission
Annual Meeting
City Council Chambers
June 18, 2025**

Members Present: Chair Terri Cook; Commissioners Terese Bjornstad, Thomas Drazkowski, John Guerber, Ryan Hanson, Michael Johnson, Chad Kono, Carol Overland, Alan Quarnstrom, Charles Richardson, Ann Vogel, and Mallory West

Members Absent: Commissioners Min MartinOakes, Peggy Rehder, and Anne Robertson

Others Present: Melissa Hill, City Clerk / Staff Liaison; Chris Heineman, Council Administrator; Michelle Leise, Public Information and Engagement Officer; Donald Kliewer, Council Liaison

1. Call to Order

The meeting was called to order by Chair Cook at 6:00 p.m.

2. Pledge of Allegiance

Chair Cook led the recitation of the Pledge of Allegiance.

3. Motion to Excuse Absent Commission Members

A motion was made by Commissioner Bjornstad, seconded by Commissioner Overland and unanimously carried, to excuse the absences of Commissioners MartinOakes, Rehder, and Robertson.

4. Approval of Agenda

A motion was made by Commissioner Guerber, seconded by Commissioner Vogel, to approve the agenda as presented. Commissioner Overland provided comments regarding agenda Item 8K. A vote was conducted, and the motion to approve the agenda as presented carried unanimously.

5. Approval of Minutes

A. Motion to Approve June 24, 2024, Minutes.

A motion was made by Commissioner West, seconded by Commissioner Overland and unanimously carried, to approve the meeting minutes as drafted.

6. Election of Chairperson and Vice Chairperson

Nominations were opened for the position of Chairperson. Commissioner Bjornstad nominated Commissioner Cook to serve as Chairperson of the Charter Commission. There were no other nominations.

A roll call vote was conducted, and Commissioner Cook was unanimously elected to serve as Chairperson of the Charter Commission for the next year.

Nominations were opened for the position of Vice Chairperson. Commissioner Johnson nominated Commissioner MartinOakes to serve as Vice Chairperson of the Charter Commission. There were no other nominations.

A roll call vote was conducted, and Commissioner MartinOakes was unanimously elected to serve as Vice Chairperson of the Charter Commission for the next year.

7. Public Comment

Chair Cook reviewed the public comment procedure.

Alan Muller, West Avenue, Red Wing, expressed concerns about offering the opportunity for public comment only during the Public Comment portion of the meeting, as opposed to allowing public comment during discussion of other agenda items. He stated that this limits meaningful public participation and suggested reconsidering this policy.

Mr. Muller also commented regarding agenda Item 8K. He discussed the city manager form of local government and asked about the intention of placing this item on the agenda. Chair Cook clarified that Item 8K was placed on the agenda for discussion purposes only.

Commissioner Johnson asked whether the Charter Commission has the ability to respond to comments offered by the public during the Public Comment period. Chair Cook provided rationale for the practice of generally not responding to public comments, noting that more time may be needed to gather additional information, in order to respond correctly. She clarified the Charter Commission Bylaws in this regard and added that the Charter Commission has made it clear in the past that it supports public comments.

8. Motions and General Business

A. Consider Motion to Recommend to the Chief Judge of the First Judicial District the Reappointment of Charles Richardson to a First Term on the Charter Commission.

Chair Cook provided background information. She noted that Commissioner Richardson has completed a partial term and has expressed an interest in serving a first term on the Charter Commission.

A motion was made by Commissioner Overland to recommend the appointment of Charles Richardson to a first term on the Charter Commission. The motion was seconded by Commissioner Kono, a voice vote was conducted, and the motion carried unanimously.

B. Consider Motion to Recommend to the Chief Judge of the First Judicial District the Reappointment of Peggy Rehder to a Second Term on the Charter Commission.

Chair Cook provided background information. She noted that Commissioner Rehder has fulfilled a first term and has expressed an interest in serving a second term on the Charter Commission.

A motion was made by Commissioner Johnson to recommend the reappointment of Peggy Rehder to the Charter Commission. The motion was seconded by Commissioner Guerber, a voice vote was conducted, and the motion carried unanimously.

C. Consider Motion to Recommend to the Chief Judge of the First Judicial District the Appointment of Janet Brandt to a First Term on the Charter Commission.

Chair Cook provided background information. She asked the Charter Commission to consider recommending the appointment of Janet Brandt to a first term on the Charter Commission. She noted that this would fill the seat of Commissioner Bjornstad, who is not seeking a second term. She clarified that Charter Commission members may continue to serve until they are replaced. She referenced Ms. Brandt's application, noting that it was included in the agenda materials.

A motion was made by Commissioner Bjornstad to recommend the appointment of Janet Brandt to the Charter Commission. The motion was seconded by Commissioner Overland. Commissioner Bjornstad expressed appreciation for the opportunity to serve on the Charter Commission. A voice vote was conducted, and the motion carried unanimously.

Chair Cook reviewed the next steps in the appointment process.

D. Consider Motion to Approve the 2024 Charter Commission Annual Report.

Chair Cook referenced the 2024 Annual Report, noting that it was included in the agenda materials. A motion was made by Commissioner Johnson, seconded by Commissioner Guerber and unanimously carried, to approve the 2024 Charter Commission Annual Report as drafted.

E. Consider Motion to Adopt City of Red Wing Data Practices Procedures and Data Inventory Public Document as the Official Data Practices Policy of the Charter Commission.

Chair Cook provided background information regarding the data practices policy and procedures. She referenced the updated information that was included in the agenda materials relating to this item. A motion was made by Commissioner Richardson, seconded by Commissioner Vogel, to adopt the City of Red Wing data practices procedures and data inventory public document as the official data practices policy of the Charter Commission. A voice vote was conducted, and the motion carried unanimously.

F. Review Legislative Changes that Affect the Charter Commissions.

Chair Cook provided background information and referenced the agenda materials. She highlighted changes to the Open Meeting Law that were adopted by the Minnesota Legislature in May of 2025 relating to remote meeting participation. She noted that this would not require any changes to the City Charter. She also referenced minor changes to election laws. She noted that bills that were recently passed during a special session of the Minnesota Legislature will be communicated soon.

G. Annual Materials.

- 1. City Attorney Material.**
- 2. Code of Conduct.**
- 3. Board and Commission Policy.**

Commissioner Overland asked whether there have been any revisions to these documents since last year.

City Clerk Hill noted that there were no changes to the Legal Considerations for City Officials document. She stated that there were significant changes to the Board, Commission, and Committee Policy document, which were approved by the City Council. She indicated that she was unaware of any changes to the Code of Conduct policy.

Commissioner Overland requested an overview of the changes to the Board, Commission, and Committee Policy document. Public Information and Engagement Officer Leise highlighted a change to the description of advisory commissions with additional decision-making authority, including the Advisory Planning Commission and the Heritage Preservation Commission. She reviewed changes to the public comment procedure and provided rationale for the revisions.

Ms. Leise discussed changes to the policy governing virtual meeting participation by members of boards and commissions. Commissioner Bjornstad referenced changes to Minnesota Law relating to remote meeting participation. Ms. Leise commented that State law was recently changed in this regard.

It was noted that no Charter Commission action is being requested. Commissioner Overland expressed concerns regarding the remote meeting policy.

H. Training for Board Members and Chairs.

Public Information and Engagement Officer Leise thanked Charter Commission members for their service. She reported that new training materials are being developed to assist Board and Commission members, including short videos that members will be able to view on their own.

Ms. Leise provided an overview of Robert's Rules of Order. She noted the primary reasons for utilizing this guide:

- 1) Ensures that all members have an opportunity to be heard.
- 2) Ensures that the members and the public understand what is being discussed and voted on.
- 3) Helps keep the meeting discussion on track.

Ms. Leise reviewed the roles and responsibilities of the meeting chair. She detailed the process of considering items along with the process of making, seconding, discussing, and voting on motions and provided examples. The procedures for amending motions and calling the question were discussed. It was noted that a motion can be made for discussion purposes.

Ms. Leise stated that she will provide copies of a Robert's Rules of Order guidebook to Charter Commission members.

I. Public Comment During Special Meetings.

Chair Cook provided background information and referenced past Charter Commission discussion of public comment policy. She discussed the process of scheduling a special meeting and requested additional discussion of the Charter Commission public comment policy relating to special meetings.

Commissioner Bjornstad asked whether public comment is currently allowed during special meetings. It was clarified that public comment is currently limited to special meeting agenda topics only.

Commissioner Johnson requested an example of when public comment relating to other topics would be beneficial during a special meeting. Commissioner Guerber noted that topics or concerns would not be able to be addressed during the special meeting. Chair Cook commented that regular Charter Commission meetings may be scheduled in the future, in addition to the annual meeting.

Commissioner Overland referenced language from the Charter Commission Bylaws pertaining to following the order of business during meetings. The Bylaws were reviewed. It was clarified that any changes to the policy would impact only the Charter Commission. Commissioner Johnson suggested deferring action on this item until after discussion of the Charter Commission meeting schedule (Item 8L).

Commissioners Bjornstad and Drazkowski spoke in support of maintaining the current public comment policy during special meetings. Commissioner Bjornstad commented that members of the public can communicate with the Charter Commission regarding their concerns in other ways.

Commissioner Richardson suggested calling the question at this point. The process of amending the Bylaws was reviewed.

A motion was made by Commissioner Richardson to affirm the Charter Commission Bylaws as written regarding public comment at special meetings. The motion was seconded by Commissioner Drazkowski, a voice vote was conducted, and the motion carried unanimously.

J. Officers of the Council Discussion.

Chair Cook introduced City Clerk Hill and Council Administrator Heineman.

Council Administrator Heineman introduced himself and summarized his background. He thanked Charter Commission members for their service. He referenced Chapter 3, Section 3.01 of the City Charter pertaining to Departments and Officers of Administration. He requested consideration of a specific technical revision to the current Charter language. He noted that a longstanding Administrative Services Director and a longstanding City Clerk recently retired, necessitating changes to the City's administrative structure. He noted that the Administrative Services Director position is currently vacant and may be held vacant for an indefinite period of time or may be eliminated. He noted that this position is specifically called out in the City Charter as an administrative officer of the City Council. He suggested a Charter amendment that would delete that position from the language of Chapter 3, Section 3.01.

Council Administrator Heineman then referenced City Charter language from a broader perspective pertaining to elected and appointed officials, noting that the terminology is somewhat confusing. He stated that he is unaware of other cities that have this number of Officers of City Administration. He stated that charter cities and statutory cities typically designate only the appointed positions of the City Administrator, potentially the City Clerk, and sometimes the Chief of Police as officers. He discussed the challenges of Officers of Administration reporting to both the Council Administrator and to the City Council. He provided additional background information relating to a past reorganization of the Department of Administration.

Commissioner Overland asked what is being proposed. Council Administrator Heineman suggested that the Charter Commission schedule a meeting to discuss the situation and decide whether potential Charter amendments are warranted. He noted that language could potentially be proposed for Charter Commission consideration. Commissioner Bjornstad provided suggestions in terms of potential language revisions. Chair Cook clarified the potential next steps in the process, if the Charter Commission is interested in further discussing this topic. Council Administrator Heineman commented that clarity would be beneficial in terms of better defining the roles of the Council Administrator and City Council Members. Commissioner West asked whether jobs or titles would be impacted by Charter language changes. Council Administrator Heineman further discussed the City's current organizational structure.

Commissioner Hanson requested clarification of the role of the Financial Officer position. He provided examples from other cities, noting that some cities have a City Clerk / Treasurer position. Council Administrator Heineman commented that there would still be a chief financial officer position, which in Red Wing is titled Administrative Business Director.

Commissioner Overland referenced a comment about individual Council Members having interactions with City officers, noting that this is a separate issue from the Charter language. She also commented that it might be considered a conflict of interest for Council Administrator Heineman to promote a Charter language change that would impact his position.

Chair Cook commented that Council Administrator Heineman is put in a difficult position when Charter language on one page differs from language on another page or from current City operational procedures. She stated that Council Administrator Heineman is merely trying to bring clarity to the process.

Commissioner Overland requested examples of contradictory Charter language. City Clerk Hill commented that this section of the Charter is problematic from a managerial perspective. She stated that the referenced positions would not change or cease to exist. She noted that the titles would be removed from the Charter to avoid the perception of dual management, noting that other language in the Charter clarifies that the Council Administrator manages these positions. She stated that Council Administrator Heineman is suggesting that the Charter Commission consider evaluating this language during a future meeting and potentially propose revisions that would not alter the structure of Red Wing's government.

Commissioner Guerber spoke in support of further discussion of this language by the Charter Commission. He discussed the importance of a clear chain of command.

A motion was made by Commissioner Richardson for City staff to propose potential language changes to Chapter 3 of the City Charter to the Charter Commission. The motion was seconded by Commissioner Guerber. Commissioner Johnson asked about a timeframe to conduct this discussion. Council Administrator Heineman referenced the vacant Administrative Services Director position. Chair Cook suggested scheduling a regular meeting sometime in August or September, adding that the meeting schedule would be discussed later during the meeting.

A motion was made by Commissioner Drazkowski to offer a friendly amendment to discuss this topic during the next Charter Commission meeting. Commissioner Richardson accepted the friendly amendment, and Commissioner Guerber seconded the motion. A voice vote to approve the friendly amendment to the motion carried unanimously.

Chair Cook re-stated the amended motion to ask staff to propose language for Charter Commission consideration during the next meeting. A voice vote was conducted, and the motion carried unanimously.

Commissioner Overland commented regarding the process of changing the City Charter. A motion was made by Commissioner Overland to concurrently bring the proposed Charter revisions before the City Council. It was suggested to forward a recommendation from the Charter Commission to the City Council in this regard. Council Administrator Heineman indicated that he will be discussing this topic with the City Council. The motion failed due to the lack of a second.

K. Form of Government Discussion.

Chair Cook provided background information. She referenced Chapter 2, Section 2.01 of the Red Wing City Charter, which defines the form of government. Council Administrator Heineman discussed the City's current weak mayor system and mayor / council form of government. He provided information regarding the city manager form of government. He stated that this is the most prominent and fastest growing form of local government in the United States.

Council Administrator Heineman reviewed some of the benefits of the city manager form of government:

- 1) Encourages open communication from citizens and between citizens in the government.
- 2) Each member of the governing body has an equal voice in policy development and administrative oversight, which gives residents and diverse groups a greater opportunity to influence policy.
- 3) The power of special interests is often diffused.
- 4) Focuses on professional management, making partisan politics less likely.
- 5) Functions more like a business organization.
- 6) Provides more clearly defined roles between policy and administration and greater flexibility in terms of communication with residents.

Commissioner Overland stated that she had requested additional information but did not receive anything. She summarized the results of her research. She referenced the role of the mayor in a city manager system in terms of voting, veto power, and presiding over city council meetings. She stated that the city manager form of government would significantly change the role of the mayor. Council Administrator Heineman clarified that a city manager form of government would not change the roles of elected officials and would work well with the existing Charter. He commented that most cities do have a voting mayor.

Commissioner Bjornstad requested written documentation of the presentation provided by Council Administrator Heineman.

Commissioner Guerber asked why this topic is being brought before the Charter Commission, if this would not require a Charter change. Council Administrator Heineman clarified that a city manager form of government would necessitate language revisions to Chapter 2 of the City Charter. City Clerk Hill clarified that there would be no changes to the duties of the mayor or the power structure of City of Red Wing government.

Chair Cook asked whether the duties of the mayor and council vary from city to city. Council Administrator Heineman commented that every city has different nuances. He further discussed the common structure of charter cities and statutory cities in Minnesota.

Commissioner Johnson requested clarification of what the Charter Commission is being asked to take action on or consider. Chair Cook suggested consideration of adding this topic to a future meeting agenda.

Commissioner Richardson described this as a political decision. He suggested bringing this issue to the City Council, which could refer it back to the Charter Commission for further discussion and a recommendation. Commissioner Overland expressed agreement with these comments. She commented that most cities functioning under the city manager form of government are statutory cities.

Commissioner Kono stated his opinion that discussion of this issue should originate with the Charter Commission, which helps to set the rules by which the City Council operates.

Commissioner Johnson suggested requesting a perspective from Mayor Iocco, noting that this language change could impact his role or relationship with the City Council.

A motion was made by Commissioner Drazkowski to end the discussion and take no action at this time, pending the receipt of additional information. The motion was seconded by Commissioner Overland. Commissioner West requested clarification of whether this topic would be added to the next meeting agenda. Commissioner Drazkowski commented that this topic could be added to a future meeting agenda, at the discretion of Chair Cook, for future discussion and action. Chair Cook noted that this is not a time-sensitive issue. Council Administrator Heineman indicated that he could either forward additional information to Charter Commission members and / or discuss this item with the City Council. Commissioner Overland encouraged Commissioners to conduct their own research.

Following discussion a voice vote was conducted, and the motion carried unanimously.

L. Consider Motion to Adopt the Charter Commission Regular Meeting Schedule.

Chair Cook referenced the Charter Commission meeting calendar. A motion was made by Commissioner Richardson to adopt the Charter Commission meeting schedule as presented. The motion was seconded by Commissioner Guerber.

Chair Cook offered a friendly amendment to schedule a regular meeting during 2025. Commissioner Richardson withdrew his motion at this point, and Commissioner Guerber withdrew his second.

City Clerk Hill reviewed potential meeting dates.

A new motion was made by Commissioner Richardson to schedule a regular meeting on September 25, a regular meeting on the third Wednesday of March in 2026 (March 18), and an annual meeting on the third Wednesday of June in 2026 (June 17). The motion was seconded by Chair Cook. It was noted that a Human Rights Commission meeting is scheduled on September 25, and August 28 was discussed as an alternative meeting date. Commissioner Richardson amended his motion to approve the Charter Commission meeting schedule, to include regular meetings on August 28, 2025, and March 18, 2026, with the next annual meeting scheduled on June 17, 2026. Chair Cook seconded the amended motion, a voice vote was conducted, and the motion carried unanimously.

9. Adjournment

The meeting adjourned at 8:06 p.m.



CHARTER COMMISSION MEETING STAFF REPORT

To: Chairperson Terri Cook and Charter Commission Members
From: Chris Heineman, City Council Administrator
Meeting Date: August 28, 2025

Title

Proposed Amendment to City of Red Wing Charter.

Recommended Action(s)

Motion to recommend that the City Council amend City of Red Wing Charter by ordinance under Minnesota Statutes Section 410.12, subd.7. City staff recommend that the Charter Commission consider Alternative A as the preferred option.

Attachments

1. City of Red Wing Charter
2. LMC Handbook for Minnesota Cities, Chapter 4
3. Administration Section – City of Hastings
4. Administration Section – City of Marshall
5. Administration Section – City of Northfield
6. Administration Section – City of Stillwater

Summary

At the Charter Commission Annual Meeting on Wednesday, June 18, 2025, City Council Administrator Heineman informed the Charter Commission about two areas of the Charter that may warrant further discussion by the Charter Commission. The first was related to the General Administration section of the Charter (Chapter 3). Administrator Heineman shared some information about Section 3.01 – Departments and Offices of Administration which lists ten officers of the Council.

In addition, Administrator Heineman addressed Chapter 2, Section 2.01 of the City Charter which defines the City of Red Wing's form of government as a "Mayor/Council Plan". The mayor-council form of government can follow either a weak-mayor or strong-mayor system. The difference between the two is that in a strong-mayor system, the mayor has veto power over legislation, appoints department heads, and controls the budget. In the weak-mayor system, the mayor largely as a ceremonial role and is part of the council body, typically serving as the council president, and has limited executive

authority. Heineman explained that the Red Wing City Charter grants elements of both systems and informed the Charter Commission that they may want to consider the Council-manager form of government, which may align better with the City Charter as it is currently written.

Following discussion by the Charter Commission, it was determined that a Charter Commission meeting be scheduled for Thursday, August 28, to discuss and consider potential amendments to Chapter 3, General Administration of the City of Red Wing Charter. The Charter Commission agreed only to consider changes to Section 3.01 Department and Offices of Administration.

As stated previously, Section 3.01 includes language listing ten (10) officers of the Council that, according to the Charter, the City Council ***shall*** appoint these positions. One of the positions included in the listed officers of the council is an administrative services director. This position is currently being held vacant due to retirement.

Following the retirement of the administrative services director earlier this year, a reorganization of the human resources, communications, information technology, and administration departments was conducted to better align staff resources with current needs. By reclassifying three positions in these departments, we were able to eliminate the administrative services director position. This position is currently being held vacant, pending a change to the City Charter and adoption of a formal change to the City of Red Wing organizational chart by the City Council.

Unless the Charter Commission recommends a change to the language in Section 3.01 of Chapter 3, the Administrative Services Director position will need to be rehired. The specific details are described in further detail in Alternative A below:

Alternative A:

This is the minimum recommended change that will enable staff to move forward with the planned reorganization of human resources, communications, information technology, and administration departments. The language below is the current City Charter with the simple deletion of the administrative services director position.

Section 3.01 Departments and Offices of Administration

The Council may, consistent with the provisions of this Charter, create, abolish, rearrange, and combine such departments, divisions, and offices as it may deem necessary or proper, and from time to time alter their respective powers, duties and organization, provided, however, that the Council shall appoint an administrative officer, a financial officer, a clerical officer, legal officer(s), a director of engineering, a chief law enforcement official, a chief fire official, ~~an administrative services director~~, a community development director, a public works director, and such other officers as may be required by State or Federal law. All such officers shall be at-will employees and may be removed from office at any time by a majority vote of the entire Council or as otherwise provided herein or by State or Federal law. The administrative officer shall exercise all supervisory duties not specifically reserved to the Council over such officers. The administrative officer shall have full supervisory authority over other employees and department heads including the right to hire and fire. The Council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and determine departmental

organization. The Council shall prescribe the powers and duties of all officers and may assign one individual to perform the duties of more than one office, or in two or more departments or divisions.

The Council shall make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City.

Alternative B:

As another alternative, the Charter Commission may wish to consider streamlining Section 3.01 to be more in line with common practice. The current language provides sufficient management authority in that, “the administrative officer shall exercise all supervisory duties not specifically reserved to the Council over such officers” which is standard practice. It is not common, however, to have multiple department directors appointed by the City Council.

The Red Wing City Charter currently requires the City Council to appoint a financial officer, a clerical officer, legal officer(s), a director of engineering, a chief law enforcement official, a chief fire official, an administrative services director, a community development director, and a public works director. While each of these roles is very important to municipal management, including them in the City Charter can blur the line between policy and administration and risk subjecting these positions to political influence. It also makes it very difficult for either the City Council or the City Council Administrator to make changes to the organization chart or overall department structure without first seeking a change to the City Charter.

If the Charter Commission is interested in a more substantial revision of Section 3.01, it will likely require a delete-all amendment. For discussion purposes, I have included draft language for your consideration in Alternative B below.

Section 3.01 Departments and Offices of Administration

The Council may create, abolish, or reorganize departments and offices as deemed necessary. The Council shall appoint a City Council Administrator, who shall be an at-will employee and may be removed by majority vote of the Council or as otherwise provided by law.

The City Council Administrator shall have full supervisory authority over all employees and department heads, including the power to hire and remove, subject to State or Federal law. The Council shall define departmental powers and duties and establish the organization of City government.

Additional examples of administrative city charter language are included from the cities of Hastings, Marshall, Northfield, and Stillwater (see attachments).

Recommended Action(s):

Motion to recommend that the City Council amend City of Red Wing Charter by ordinance under Minnesota Statutes Section 410.12, subd.7. City staff recommend that the Charter Commission consider Alternative A as the preferred option.

This follows the standard method to amend the Charter. The Charter Commission may recommend that the Council amend the City Charter by ordinance under Minnesota Statutes Section 410.12, Subdivision 7. This process does not require a petition but will require a public hearing and an affirmative vote of all members of the City Council and the Mayor.

Alternatives

1. Motion to recommend the City Council amend the Charter with Alternative B.
2. Motion to table the proposed amendment and request additional information.



CHARTER

Chapter 1

Names, Boundaries, Powers, and General Provisions

Section 1.01 Names and Boundaries

The City of Red Wing in the County of Goodhue 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 Red Wing, with the same boundaries as now are or hereafter may be established.

Section 1.02 Change in Ward Boundaries

The City Council may change ward boundaries by ordinance adopted as provided for herein or by State or Federal law.

Section 1.03 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 the intention of this Charter that every power which the people of the City of Red Wing might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this Charter, shall be deemed to have been so conferred by the provisions of this section. This Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

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

Section 1.04 Charter a Public Act

This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect 90 days from and after its adoption by the voters and amendments hereto shall become effective as provided by State law.

Chapter 2 **Form of Government**

Section 2.01 Form of Government

The form of government established by this Charter is the "Mayor/Council Plan."

Section 2.02 Elective Officers

The elected officers shall be a Mayor and seven Council Members, all of whom shall be eligible voters and meet all requirements provided by law. One Council Member shall be elected from each of four wards of the City, and shall be a resident thereof unless otherwise provided herein. One Council Member shall be elected from both of the two westernmost contiguous wards and shall be a resident of one of the combined wards unless otherwise provided herein, one Council Member shall be elected from both of the two easternmost contiguous wards and shall be a resident of one of the combined wards unless otherwise provided herein, and one Council Member shall be elected at large. The Mayor and Council Members, unless otherwise provided by State Law or an orderly transition schedule adopted as part of a Charter amendment, shall be elected for a term of four years or until their successors are elected and qualified. The Council shall be the judge, as to qualification only, of the election of the Mayor and Council Members.

Section 2.03 Qualifying

Every person elected to any office shall take and subscribe to the oath provided by law.

Section 2.04 Boards

This Section 2.04 does not apply to the Charter Commission, the Port Authority, the Housing and Redevelopment Authority, or the T.B. Sheldon Auditorium Board. The City Council may by ordinance establish or abolish any board or commission as it deems necessary for the operation of the City. The powers, duties, and responsibilities of such boards or commissions shall be fully set forth in said ordinance. Notwithstanding any other provision to the contrary, all funds and accounting of any board or commission must be handled by the City's financial officer and shall be deemed to be public funds of the City. Notwithstanding any other provision to the contrary, the administrative officer shall be an ex officio member of all boards and commissions and has the right to attend meetings, including special and closed meetings. As an ex officio member of all boards and commissions, the administrative officer does not have the right to vote, make motions, or be counted for purposes of determining a quorum.

The Mayor, subject to confirmation by the Council, shall appoint all board and commission members who shall be residents of the City, unless specifically provided for by Ordinance. The Ordinance will set forth the parameters governing any nonresident members, including, but not limited to, the boundaries from which nonresidents may be drawn, the number of nonresidents who may serve on a board or commission, and whether nonresidents may vote, provided such members are less than a quorum. The Council may provide by ordinance for advisory members who shall be members without the right to vote, make motions, or be counted for purposes of a quorum. Advisory members need not be residents of the City. Each board shall consist of not less than three nor more than fifteen members who shall each serve for a term of three years. No board member, or advisory member, shall serve more than two full consecutive terms.

Section 2.041 Public Library

Notwithstanding any provision to the contrary, the Mayor shall, subject to confirmation by the Council, appoint a Library Board consisting of nine members to manage, supervise, and control the City's Public Library, its building and other facilities, and such other related functions as may be authorized by law or ordinance.

General provisions of this Charter and City Code shall govern member appointments, removal from office for cause, terms, and any limitations thereon. Members of the Library Board must be residents of the City provided, however, one member may be a non-City resident of Goodhue County, if the County financially contributes to the Library. The Library Board shall elect its own officers and adopt rules of procedure consistent with law and the provisions of this Charter and City Code governing boards and commissions.

The Library Board shall govern the operations of the Library, adopt policies therefore, and have final authority in material selection and programming. The Library Board shall annually present its budget request and Capital Improvement Plan to the City in accordance with the procedures of the City. Once the budget is approved by the Council it shall not be later reduced by the Council without the consent of the Library Board. The Library Board may make line item budget changes if the City's administrative officer approves. The City's financial officer shall be the financial officer of the Library, shall maintain Library monies in a separate fund and shall make disbursements therefrom only in accordance with the policies of the Library Board. The Library shall follow all City accounting, purchasing, and personnel policies and procedures, including pay and classification plans, as the same apply to other City departments.

All employees of the Library are employees of the City. The Library Board shall hire a director who shall be the chief administrative officer with authority to implement Library Board policy. The director shall have the authority to hire, to terminate, and to discipline other Library employees with approval of the City's administrative officer, and to perform such other duties and responsibilities as the Library Board may assign. The City's administrative officer shall assist the Library Board in supervising the director and shall have supervisory authority over the director in those areas where, under this section, the Library must follow City policy and procedures, and shall further report any dereliction of duty by the director to the Library Board.

All title to property of the Library shall vest in and be held in the name of the City and be under the control of the Library Board. With the consent of the Council, the Library Board may accept any gift, grant, devise, or bequest made or offered for Library purposes and carry out the conditions of such donation. Unconditional gifts of intangible personal property may be accepted without Council consent.

The Library shall follow all City ordinances, policies, and procedures. However, if the Library is not expressly required to follow a City ordinance, policy, or procedure under this section, then the Library Board may by written resolution adopt its own policy or procedure. It is the intent of this section that the authority, duties, and responsibilities of the Library Board under this section and City Code shall be interpreted broadly and in favor of the Library Board.

Section 2.05 Removal

Every elected officer may be removed from this office by vote of two-thirds of the City Council, provided that such official shall not be removed except for cause, after having been furnished with a written statement of the reasons therefore and after being given a reasonable opportunity to be heard in his/her defense. The City Council shall fix a date for a hearing on such charges not less than 10 days after notice to the accused officeholder and shall have authority to compel the attendance of witnesses and to request any necessary records and papers. In the event the officeholder neglects to appear to answer the charges or the City Council finds that the charges are sustained and provides sufficient cause for removal, it may, by two-thirds vote, declare the office vacant. Nothing contained in this section shall preclude the Council from establishing by ordinance criteria whereby an elected official who is absent from a prescribed number of meetings is deemed to have resigned.

Section 2.06 Vacancies

A vacancy in the Council or office of Mayor shall be deemed to exist when any of the following events occur:

- 1) The failure of the candidate elected to qualify on or before the date of the second regular meeting after the new Council's organizational meeting;
- 2) By reason of the death, resignation, removal from office, change of residence from the ward or wards from which elected, or continuous absence from the ward or wards from which elected for more than three months;
- 3) By reason of the conviction of a felony which disqualifies an individual from holding office.

Procedure for resignations shall be as provided by State law. In the case of a vacancy, the Council shall, by resolution adopted within seven days of the vacancy, declare such vacancy to exist and shall fill the vacancy by special election held on a date authorized by Minnesota Statutes section 205.10, subdivision 3a, as amended. The special election will be held on the first possible date authorized by said statute where the City can also follow the affidavit of candidacy filing period and notice of filing period requirements in Minnesota Statutes section 205.13, as amended. The vacant seat shall remain vacant until the replacement elected at the special election qualifies and takes office. The replacement elected at the special election shall fill the unexpired part of the term of the person requiring replacement.

If, however, a vacancy occurs in a general election year on or after April 1 and the term of the vacant seat is scheduled to expire the following year (in January), no special election shall be held. The vacant seat shall remain vacant until the replacement elected at the general election qualifies and takes office.

Section 2.07 Mayor

The Mayor shall be the titular head of the City. The Mayor may address the Council on any matters of interest. The Mayor shall exercise all powers and perform all duties conferred and imposed upon the Mayor by this Charter, the ordinances of the City, and the laws of the State. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City, and make recommendations as he/she believes to be desirable. The Mayor shall review concerns on City activities raised by citizens and make recommendations as he/she believes desirable as to any corrective action(s) necessary. 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 consult with the administrative officer and chief law enforcement official on policy matters affecting public safety within the City.

Section 2.08 Acting Mayor

In the event of a vacancy in the office of the Mayor or the Mayor's inability from illness, absence from the City, or other cause to perform the duties of the Mayor's office, the President of the Council or, if the Council President is also absent or incapacitated, the Vice President of the Council, and in the event of his/her absence or incapacity, such other member of the City Council as it may designate, shall exercise the powers and perform the duties of the Mayor, except the Acting Mayor shall have no power to veto during such absence or disability. While so acting the Mayor shall be styled "Acting Mayor" and his/her acts in that capacity shall have the same force and effect as if performed by the Mayor.

Section 2.09 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 or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City government, and it may cause to be made any surveyor research study of any subject of municipal concern.

Chapter 3 **General Administration**

Section 3.01 Departments and Offices of Administration

The Council may, consistent with the provisions of this Charter, create, abolish, rearrange, and combine such departments, divisions, and offices as it may deem necessary or proper, and from time to time alter their respective powers, duties and organization, provided, however, that the Council shall appoint an administrative officer, a financial officer, a clerical officer, legal officer(s), a director of engineering, a chief law enforcement official, a chief fire official, an administrative services director, a community development director, a public works director, and such other officers as may be required by State or Federal law. All such officers shall be at-will employees and may be removed from office at any time by a majority vote of the entire Council or as otherwise provided herein or by State or Federal law. The administrative officer shall exercise all supervisory duties not specifically reserved to the Council over such officers. The administrative officer shall have full supervisory authority over other employees and department heads including the right to hire and fire. The Council shall determine the powers and duties to be performed by, and assign them to, the appropriate department and determine departmental organization. The Council shall prescribe the powers and duties of all officers and may assign one individual to perform the duties of more than one office, or in two or more departments or divisions.

The Council shall make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City.

Section 3.02 Filing and Execution of Documents

Unless otherwise specifically provided, filing of all documents provided for in this Charter or the ordinances of the City shall be at the administrative offices of the City. All contracts with the City, ordinances and resolutions of the Council, and other documents, shall be executed in the name of the City and signed by the officers designated by the City Code, Purchasing Manual, Personnel Policy Manual, or other applicable policy.

Section 3.03 City Employees, Their Wages, Salaries, Benefits, and Regulations

Council shall provide in the City Code, Personnel Policy Manual, Organizational Chart, or other applicable collective bargaining agreement or policy for the authority with reference to employment or discharge of all City employees, wages and salaries to be paid such employees, employee benefits, supervision and line of authority, and all other matters of regulation, control, and other contract provisions. Provided, however, that this section shall not restrict the authority of the Council to delegate any such authority contained herein that it deems appropriate.

Section 3.04 Purchase and Sale Contracts

All City purchase and sale contracts shall be made or let in accordance with a uniform policy adopted by the Council unless the Council shall otherwise order. Contracts shall be made in compliance with any regulatory statute. The Council may adopt further regulations for making bids and letting contracts, including provisions as to notice. The Council may, by ordinance, provide a means for declaring personal property or real estate which comes into the possession of the City, by any means whatsoever, to be surplus property and providing for the classification and sale thereof upon such notice as the Council considers reasonable.

Chapter 4 **Elections**

Section 4.01 Conduct of Elections

All City elections shall be held and conducted and the votes canvassed in the manner provided by law.

Section 4.02 General Election

The City General Election shall be held on the first Tuesday after the first Monday in November in every even-numbered year at such place or places as the Council may designate.

Section 4.03 Primary Election

The City Primary Election shall be held on the same date as the state primary election as determined by state statute at such place or places as the Council may designate. The city clerical officer shall place upon the City Primary Election ballot, without party designation, the names of individuals whose candidacy has been filed. The two candidates receiving the highest number of votes for any single office shall be placed on the City General Election ballot as nominees for that office. When no more than two individuals file for nomination to any single office, their names shall not be placed upon the City Primary Election but shall be placed upon the City General Election ballot as the nominees for that office and no Primary Election for that particular office shall be held.

Section 4.04 Filing

Not more than 10 nor less than 8 weeks before the City Primary Election any individual who is eligible and desires to become a candidate for either the office of Mayor or Council Member shall, upon payment of the fee established by law, file an Affidavit of Candidacy with the city clerical officer.

In addition, the city clerical officer shall also accept, without the payment of any fee, a Nominating Petition signed by at least 100 registered voters for the office of Mayor and Council Member-at-Large, 75 registered voters for the combined ward Council Members, and 50 registered voters for a Council Member elected from a ward, provided that the individual on whose behalf the petition has been circulated endorses the petition with a statement indicating his/her willingness to accept the office if duly elected. All signers of a petition to be counted as valid must be registered voters within a precinct eligible to vote for that particular office. No registered voter shall sign more than one petition for a particular office and should a voter do so, his/her signature shall be valid only as to the petition or petitions first filed.

All Affidavits of Candidacy and Nominating Petitions must be filed no later than 5:00 pm on the day filings close. Any candidate may withdraw from the election by filing an Affidavit of Withdrawal with the city clerical officer no later than 5:00 p.m. two days after the last day for filing affidavits of candidacy.

Section 4.05 Special Elections

The Council may by resolution order a special election and provide all means for holding it. A special election must be held on a date authorized by Minnesota Statutes Section 205.10, subdivision 3a, as amended. No primary shall be required in a special election

held under this section. All other procedures at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.06 Affidavit of Candidacy

Any Affidavit of Candidacy or Nominating Petition to be valid must state the name of the office sought; shall state that the candidate is an eligible voter and is, or will be on assuming the office, 21 years of age; has no other affidavit on file as a candidate for any office to be elected at the next ensuing City General Election or any other election to be held in conjunction therewith that would be deemed to be in conflict with the City office sought; will have maintained residence in the City if seeking the office of Mayor or Council Member- at-Large, in one of the two combined wards for the combined ward Council Member seats, or in the respective ward if seeking the office of Council Member from a ward for at least 30 days before the City General Election; and include a statement that the candidate's name as written on the affidavit of Candidacy or Nominating Petition is the candidate's true name or the name by which the candidate is commonly and generally known within the City.

Section 4.07 Forms

The city clerical officer shall be responsible for devising the form of the Affidavit of Candidacy and Nominating Petition consistent with the provisions contained herein and by law. Any Nominating Petition need not be appended to one paper, but to each separate paper there shall be attached an affidavit by the circulator thereof stating the number of signers on such paper and that each signature appended thereto was made in his/her presence and is the genuine signature of the person whose name it purports to be. With each written signature a place for the legible printed name of the signer and his/her place of residence in sufficient form is required so as to identify whether he/she is a valid registered voter.

Chapter 5 **City Council**

Section 5.01 Council and Quorum

The Council Members shall constitute the City Council and shall elect a President and Vice President from their membership. A majority of the membership holding office shall constitute a quorum to transact business, but a smaller number may recess or adjourn from time to time and compel the attendance of absent members.

Section 5.02 Presiding Officers

The President or in his/her absence the Vice-President shall preside at all meetings and rule on all matters of procedure. The City Council may elect a President Pro Tern who shall have the powers, duties, and responsibilities of the President in the absence of the President and Vice-President. If no President Pro Tern is elected, the member present with the most seniority in office shall be deemed the President Pro Tern.

Section 5.03 Council Meetings

On the first Tuesday after the first Monday in January following a City General Election, the Council shall hold its organizational meeting after the newly elected officers having qualified take the oath of office and assume the duties thereof. Thereafter, the Council shall meet at such times each month as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any three members of the Council may call special meetings of the Council.

Unless there is an emergency for the meeting, notice of the meeting shall be at least three days in advance or otherwise as required by law, and an electronic copy of the proposed agenda and supporting materials for each regular or special meeting will be made available to each member. Unless an emergency is declared by a three-fourths vote of the Council, no other business shall be transacted at a special meeting than that which is designated in the call and matters relating thereto. Meetings of the Council and the Minutes and records thereof shall be open to the public in the manner provided by State law, and the Council shall not meet in closed or executive session unless allowed by State law.

Section 5.04 Rules of Procedure

The Council shall determine its own rules and order of business. It may punish members for misconduct. Unexcused absence from three consecutive regular Council meetings shall be grounds for removal of any Council Member.

Council officers serve at the pleasure of the Council and may be removed by a super majority vote of the Council for any reason. Any member of the Council may move for the removal of a council officer if: (1) they placed the item on the Council agenda by at least noon of the Wednesday before that meeting; (2) before placing the item on the agenda, they had provided the Council officer proposed for removal with the reason for the motion; (3) there has been an opportunity for the Council officers to discuss the reason; and, (4) the reason for the removal is stated with the motion. If a motion for the removal of a Council officer is seconded, the Council officer sought to be removed has the right to respond to the motion before any debate on the motion. In the event that a Council officer is removed, the Council will immediately fill that office.

Section 5.05 Records

The appointed clerical officer shall keep a record of the proceedings of the Council. The votes of Council Members shall be recorded in accordance with law.

Section 5.06 Ordinances, Resolutions, and Motions

Except as otherwise provided in this Charter, all legislation shall be by ordinance. A roll call shall be taken on all ordinances, resolutions, and the levying of any taxes. The minutes shall clearly delineate those voting in favor and those voting against all motions or other actions. An affirmative vote of a majority of the membership holding office shall be required for the adoption of any ordinance or resolution except as otherwise provided in this Charter or by State or Federal law.

Section 5.07 Procedure on Ordinances

The enacting clause of all ordinances shall be the words, "The City Council of the City of Red Wing does ordain". Every ordinance shall be presented in writing and shall embrace a single subject, which shall be expressed in the title. No ordinance, except an emergency ordinance, shall be adopted on the same day it was introduced and at least three days shall pass between its introduction and passage.

Section 5.08 Emergency Ordinances

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in the emergency as defined and declared in a preamble thereto, and is adopted by a majority of the Council Members holding office. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been filed with the clerical officer and posted in three conspicuous places within the City or until the ordinance has been published, unless the person charged with the violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 5.09 Procedure on Resolutions

Every resolution shall be presented in writing or read in full before a vote is taken thereon.

Section 5.10 Signing and Publication of Ordinances and Resolutions

Every ordinance or resolution adopted by the Council shall be signed by the presiding officer of the Council, and attested by the clerical officer. Every ordinance shall be published at least once in the official newspaper. In the case of lengthy ordinances, or ordinances which include charts or maps, if the City Council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may, by two-thirds vote of its members, direct that only the title of the ordinance and a summary be published, as required by State law, with notice that a printed copy of the ordinance is available for inspection by any person. A copy of the entire text of the ordinance shall be posted in the community Library and in any other public location which the Council designates.

Prior to the publication of the title and summary, the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. To the extent and in the manner provided by State law, an ordinance may incorporate by reference a

statute of Minnesota, a state administrative rule or a regulation, a code, or an ordinance or part thereof without publishing the material referred to in full. All ordinances and resolutions with the Affidavit of Publication shall be recorded by the clerical officer in a separate book. The record of any ordinance or resolution, or a duly certified copy of the record, shall be evidence of adoption passage, approval, and publication.

Section 5.11 Mayor's Veto of Ordinances and Resolutions

Every ordinance or resolution shall be delivered to the Mayor within 48 hours from the time of adoption of the ordinance or resolution by the City Council. The 48-hour deadline excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. Within 96 hours from the time of adoption of the ordinance or resolution by the City Council, the Mayor shall either approve the ordinance or resolution by delivering the signed ordinance or resolution to the clerical officer or veto the ordinance or resolution by delivering a veto with written objections concerning the ordinance or resolution to the clerical officer. The 96-hour time frame excludes Saturday, Sunday, or a legal holiday, in which event the period runs until 5:00 p.m. on the next day that is not a Saturday, a Sunday, or a legal holiday. If the Mayor fails to deliver a veto with written objections to an ordinance or resolution within the time period specified above, the ordinance or resolution shall be deemed in effect without the approval of the Mayor. If the ordinance or resolution is vetoed within the time and manner specified above, the vetoed ordinance or resolution may be reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the ordinance or resolution by two-thirds vote of the City Council, then the ordinance or resolution shall be in full force and effect without approval of the Mayor.

For the purposes of this Section, a "legal holiday" is as defined in the City of Red Wing Personnel Policy Manual.

The Mayor shall have only one hour after adoption of an emergency ordinance to approve and sign or veto the emergency ordinance. If the Mayor does not deliver an approved or vetoed emergency ordinance within one hour from the time of adoption by the City Council, the emergency ordinance shall be deemed in effect without the approval of the Mayor. For the purposes of an emergency ordinance, deliver means to hand to the recipient or electronically transmit the approval or veto to the recipient. If the emergency ordinance is vetoed by the Mayor within one hour from the time of adoption, the emergency ordinance shall be immediately reconsidered by the City Council. If, upon reconsideration, the City Council shall pass the emergency ordinance again, then the emergency ordinance shall be in full force and effect without approval of the Mayor.

For purposes of this Section, "delivered" shall mean:

- 1) Handed to the recipient;
- 2) Mailed to the recipient at an address designated by the recipient or at the last known address of the recipient;
- 3) Deposited with a nationally recognized overnight delivery service for overnight delivery or, if overnight delivery to the recipient is not available, for delivery as promptly as

practicable, to the recipient at an address designated by the person or at the last known address of the recipient; or

- 4) Transmitted by electronic communication. "Electronic communication" means any form of communication, not directly involving the physical transmission of paper that creates a record that may be retained, retrieved, and reviewed by a recipient of the communication, and that may be directly reproduced in paper form by the recipient through an automated process.
- 5) An item is delivered by mail when deposited in the United States mail with sufficient postage affixed or when deposited for delivery by a nationally recognized delivery service after having made sufficient arrangements for payment by the sender. An item is deemed received when it is delivered in the manner specified above.

Section 5.12 When Ordinances and Resolution Take Effect

Resolutions and emergency ordinances shall take effect immediately upon its approval by the Mayor or at such later date as is fixed in it. Every other ordinance shall take effect 14 days after adoption and publication of the ordinance or summary of the ordinance or at such later date as is fixed therein or required by State law. Every ordinance and resolution adopted by the voters of the City shall take effect immediately upon certification of the election results, or at such later time as is fixed therein.

Section 5.13 Amendment and Repeal of Ordinances and Resolutions

Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the applicable section, subdivision, or paragraph of the City Code, or the number (if any) and the title of the uncodified ordinance or resolution to be repealed in whole or in part. No ordinance or resolution or section or subdivision thereof shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth each section or subdivision to be amended and shall clearly indicate new matter and old matter to be omitted in the case of partial amendments.

Section 5.14 Revision and Codification of Ordinances

The City shall 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 clerical officer for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of the ordinance provision not previously published if a notice that copies of the codification are available at the office of the clerical officer is published in the official newspaper for at least two successive weeks.

Section 5.15 Acquiring and Selling Property

The City Council may acquire such real and personal property as the purposes of the City may require by purchase, gift, devise, condemnation, lease, or otherwise, and may hold, manage, control, sell, convey, lease, or otherwise dispose of such property as its interest require. It may also sell, convey, lease, or otherwise dispose of property for a nominal consideration to encourage and promote industry and provide employment for citizens, as its interest require. The approval of any sale of real property owned by the City or purchase of any real property shall be by resolution.

Section 5.16 Expenditures for Goods or Services

Every expenditure by the City Council for goods and services of a value in excess of \$1,000,000 shall be by resolution, with the exception of construction projects. For construction projects estimated to exceed \$1,000,000, the first expenditure of the project shall be by resolution, but any further expenditures may be done by motion.

Chapter 6 **Initiative, Referendum, and Recall**

Section 6.01 Powers Reserved by the People

The people of Red Wing reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt ordinances, to require ordinances when adopted by the Council to be referred to the electors for approval or disapproval, and to recall elected public officials through the petition process. These powers shall be called the initiative, the referendum, and the recall respectively.

Only ordinances that are legislative in character may be enacted through the initiative and referendum process. Ordinances relating to the budget, a capital program, appropriating money, authorizing the levy of taxes, the salaries of city officers and employees, the zoning and purchase of land, or other acts that are considered executive, administrative, or quasi-judicial acts of the City may not be enacted through the initiative or referendum process.

Initiative

Section 6.02 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 verified copy of their proposed ordinance with the clerical officer together with their names and addresses as members of such committee. Such committee may, at time of filing, seek the opinion of the City concerning whether their proposed measure is a proper question for an initiative. If a committee seeks such opinion, the clerical officer shall, within 10 working days of the filing of the proposal and after review by the city attorney, inform at least one member of the committee and the City Council whether or not said proposal is a proper question for an initiative. Proposals determined at this time to be an improper question may be amended and re-filed.

Section 6.03 Form of Petition and of Signature Papers

The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least five percent of the total number of registered voters in the last general election. When gathering signatures for their proposed measure, committee members need not collect all signatures on one signature paper; however, all signature papers must be in substantially the same form. All signatures shall be gathered on forms prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to those papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures, and shall also certify that each signature paper had attached to it, when circulated, a copy of the proposed ordinance. Circulators of signature papers need not be committee members.

6.04.01 Sufficiency of the Petition

Within 10 days after the filing of the petition, the clerical officer shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least five percent of the total number of registered voters in the last general election. If the clerical officer finds the number of signatures to be insufficient, the clerical

officer shall immediately notify the committee of that fact, certifying the reasons for that finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the signatures in all other particulars. If at the end of that period the number of signatures is found to be still insufficient, the clerical officer shall file the petition in his/her office and shall notify the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

6.04.02 - Validity of Petition

The city attorney shall examine whether the proposed ordinance is a proper question for an initiative. The city attorney shall, within 10 business days after filing of the petition, return the petition with findings and conclusion regarding whether the petition is or is not a proper question. The city attorney shall issue the findings and conclusion to the committee and City Council, citing legal authority for said conclusion.

6.04.03 - Procedure after Determination

When the clerical officer has determined the sufficiency of the petition and the attorney has issued a finding to the Council and the committee, the clerical officer shall present the same to the Council at its next regular meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute.

Section 6.05 Action of Council on Petition

Upon the presentation of the petition and findings by the clerical officer, the Council shall, at its next regular meeting, determine the sufficiency or legal validity of the substance of the petition and issue a resolution either accepting or rejecting the petition. If the Council rejects the petition, no public hearing or further action is required. The finding of insufficiency does not prevent the filing of a new petition for the same purpose. If the Council accepts the petition, the Council shall 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 30 days after the date of acceptance. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to two-fifths of the committee, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next general election; but if the number of signers of the petition is equal to at least 10 percent of the total number of registered voters in the last general election, the Council shall call a special election upon the measure.

Section 6.06 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. The Council shall formulate the ballot question, clearly and succinctly stating the essentials of the question. If a majority of the electors 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 electors voting on the question shall prevail to the extent of the inconsistency.

Section 6.07 Initiation of Charter Amendments

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

Referendum

Section 6.08 Initiation of Measures

Any five registered voters may form themselves into a committee for the purpose of bringing about a referendum on any ordinance adopted by the Council, except as provided in Section 6.01.

Section 6.09 Form of Petition and Signature Papers

The petition for any referendum shall consist of the ordinance sought to be repealed, setting the same out in full, indicating the date of adoption and the date of publication, if the same has been published, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by at least 10 percent of the total number of registered voters in the last general election. The petition for the referendum on an ordinance shall be in a form prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to the signature papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures and shall also certify that each signature paper had attached to it, when circulated, a copy of the ordinance in question. Circulators of signature papers need not be committee members.

Section 6.10 Filing of Petition

If prior to the date when an ordinance takes effect a petition signed by at least 10 percent of the registered voters of the City from the last general election is filed with the clerical officer requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into effect. The Council shall thereupon reconsider the ordinance at its next regular meeting and by roll-call vote either repeal it or 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 general election, pending which the ordinance shall remain suspended.

Section 6.11 Referendum Ballots

The ballots used when voting upon any such referred ordinance shall be written by the Council, clearly and succinctly stating the essentials of the question, and be published two weeks before the election in the official newspaper of the municipality. The ballot shall state the substance of the ordinance and give the voters the opportunity to vote either "yes" or "no" on the question of repeal. If a majority of the voters vote in favor of repeal, the ordinance shall not take effect. If, however, the majority votes against repeal, the ordinance shall take effect immediately or on the date therein specified.

Recall

Section 6.12 The Recall

Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected Council Member or Mayor of the City for malfeasance or nonfeasance in office. In the case of the Mayor and Council Member At Large, the committee may be composed of registered voters from any ward of the City. In the case of all other Council Members the committee shall consist of registered voters from the ward or wards in which said Council Member is elected. The committee shall certify to the clerical officer 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 this recall. A copy of this certification shall be attached to each signature paper, and no signature paper shall be put into circulation previous to such certification.

Section 6.13 Recall Petitions

The petition for the recall of any official shall consist of a certificate identical with that filed with the clerical officer together with all the signature papers and affidavits thereto attached. The recall petition shall be in a form prescribed by and available from the clerical officer.

Section 6.14 Filing of Petition

Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the clerical officer. The clerical officer shall examine the petition within 5 days and, if he/she finds it irregular in any way or finds, in the case of Council Members elected by ward or wards, that petitioners are not registered in the ward or wards said Council Member is elected from, or finds that the number of signers is less than 20 percent of the registered voters of the City or of the ward or wards said Council Member is elected from, he/she shall so notify the committee.

The committee shall then be given 10 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 clerical officer finds the petition still insufficient or irregular, he/she shall notify the committee to that effect and shall file the petition in his/her office. No further action shall be taken thereon. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 6.15 Recall Election

If the petition or amended petition is found sufficient, the clerical officer shall transmit it to the Council without delay and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall, at its next meeting, by resolution provide for filing dates and other provisions necessary for the holding of a special recall election not less than 45 nor more than 60 days after such meeting, but if any other election is to occur within 90 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section 6.16 Procedure at Recall Election

The clerical officer shall include with the published 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/her 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.

Section 6.17 Recall Ballot

Unless the officer whose removal is sought resigns within 10 days after the receipt by the Council of the completed recall petition, the recall ballot shall contain two separate questions. The first question shall be a "yes" or "no" question on the recall of the elected officer. The second question shall be an alternative question containing the names of the candidates to fill the vacancy in the event the recall is successful. If a majority voting on the question of recall vote in favor, the officer shall be immediately removed from office upon certification of the

election results and the candidate receiving a majority of the votes for filling the vacancy shall be elected to fill said vacancy. In the event no candidate receives a majority of votes, the top two vote getters shall be nominated to a "run-off" election to be conducted within 45 days of certification of such results. The "run-off" election may be held in conjunction with a regular municipal election provided one is scheduled to occur no less than 45 days nor more than 60 days after said results are certified. In the event the officer resigns within 10 days after the receipt by the Council of the completed recall petition, the vacancy shall be handled in the manner provided for in this Charter irrespective of any recall activities which were initiated prior to said vacancy occurring.

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

Section 7.02 Fiscal Year

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

Section 7.03 Taxation

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

Section 7.04 Board of Equalization

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

Section 7.05 Budget Estimates

The administrative officer shall be responsible for presenting the annual budget calendar for approval by the Council. Said calendar shall, in accordance with law, set the dates by which department heads, officers, boards, commissions or committees of the City shall deliver to the administrative officer an estimate, in writing, of all projected revenues and expenditures for such departments during the ensuing fiscal year, specifying in detail the purpose thereof. Said calendar shall also clearly delineate dates for submission, consideration, public hearings, and proposed adoption for the budget.

Section 7.06 Budget Preparation

The administrative officer in consultation with the financial officer shall, in accordance with the budget calendar, prepare all estimates for the annual budget. The budget shall be by funds and shall include all funds of the City. The estimates of revenues and expenditures for each fund budgeted shall be arranged for each department or division of the City in accordance with generally accepted accounting procedures.

Section 7.07 Budget Approval

Adoption of the budget and budget hearing dates shall comply with the budget calendar. The budget estimates shall be presented at the hearings, and the administrative officer shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally adopted shall be the complete financial plan of the City for the ensuing fiscal year. The Council shall adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with law. At the beginning of the fiscal year the sums fixed in the budget resolution shall then be appropriated for the several purposes named in the budget resolution and no other. In the event the entire budget or any item thereof is vetoed by the Mayor, it may be passed by a two-thirds vote in the manner provided in this Charter for vetoed ordinances or resolutions.

Section 7.08 Budget Enforcement

It shall be the duty of the administrative officer to enforce the provisions of the budget. No approval shall be made of any order placed upon the City treasury for any expenditure covered by budget resolution unless there is sufficient unexpended balance or anticipated revenue available for it. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Section 7.09 Budget Alterations

After the budget resolution has been adopted, the Council shall have no power to increase the amounts fixed in the budget resolution by the insertion of new items or otherwise beyond the estimated revenues, unless actual receipts exceed the estimates and then not beyond the actual receipts. Any budget alteration shall be approved by a majority of Council Members. The administrative officer shall have the authority to transfer budget allocations within departments upon department head requests and encumber unused budgeted funds from one fiscal year to subsequent years.

Section 7.10 Budget Emergency Appropriation

The Council may include an emergency appropriation as a part of the budget but not to exceed five percent in aggregate of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a majority vote of the Council and shall be used only for the purpose designated by the Council.

Section 7.11 Funds

There shall be maintained in the City treasury a general fund and such other funds as may be required. The financial officer may make inter-fund loans, except from trust and agency funds, as are necessary and appropriate.

Section 7.12 Disbursements. How made.

No money shall be paid out of the City treasury except in compliance with procedures approved by the City Council or the board or commission charged with the management of the funds and signed by the officer designated by such managing body. Disbursements shall be made by check, or other commonly accepted method of transferring funds, attested by the financial officer. No such check shall be issued nor transfer of funds be made 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 safekeeping and disbursement of funds.

Section 7.13 Accounts and Reports

The financial officer shall be responsible for all of the accounts of the City. The Council may prescribe and enforce proper accounting and monthly reporting methods, forms, blanks, and other devices consistent with the law, this Charter, and ordinances adopted in accord therewith. No later than 30 days after the audited financial statements are required to be submitted by the City to the state auditor in accordance with Minnesota Statutes, the administrative officer and financial officer shall 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 administrative and financial officers deem advisable or the Council requires.

Section 7.14 City Indebtedness

Except as provided for herein, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this Charter or by law, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the questions at a general or special election.

Section 7.15 Tax Anticipation Certificates

At any time after January 1 following the adoption of the annual tax levy, the Council, by a vote of two-thirds of all members and under such regulations and terms as it may prescribe, may issue certificates of indebtedness in anticipation of taxes levied for any fund and not yet collected. Such certificates shall become due and payable not later than the first day of April of the year following their issuance. The total amount of such certificates shall not exceed one-third of the anticipated taxes or other revenues. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued, and the full faith and credit of the City, shall be pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.16 Emergency Debt Certificates

If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two years and to bear interest at a rate to be determined by the City Council. 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 two-thirds vote of the Council. It may be passed as an emergency ordinance.

Section 7.17 Bank Loans

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

Section 7.18 Capital Improvement Program

The administrative officer shall prepare and submit to the Council a recommended five-year capital improvement program in accordance with the budget calendar. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements, cost estimates, method of financing, and recommended time schedules for each such improvement. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a public hearing on the capital improvement program and adopt it with or without amendment as a part of the budget and in accordance with the budget calendar.

Section 7.19 Endowment Fund Investments

The City and its agencies are authorized to create endowment funds to provide for future financing of operations. Endowment funds may be established under City control or in private non-profit foundations. Any endowment fund must be approved by resolution of the City Council adopted by an affirmative vote of two-thirds of the entire City Council. The City Council shall receive an annual report from each endowment fund showing the principal, income, and any payouts.

Chapter 8 **Public Improvements**

Section 8.01 Vacating of Easements, Parks, and Similar Interests in Real Property

Upon the presentation and filing of a verified petition signed by or on behalf of any owner, natural or corporate, of any real estate abutting thereon, or on its own motion, the City Council may, by resolution approved by a majority of all members of the City Council, vacate any easement, park, or similar interest in real property (other than streets and alleys), owned by the City or by the public and located within the City. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Recorder. Any failure to file said certified copy of resolution shall not invalidate any such vacation proceedings.

Section 8.02 Vacation of Streets by City Council

Upon the presentation and filing of a verified petition signed by or on behalf of any or all owners, natural or corporate, of any real estate abutting thereon, or upon its own motion, the Council may by resolution approved by at least five Council Members vacate any street or alley or part thereof within the City. No vacation shall be made unless it appears in the interest of the public to do so after a public hearing preceded by 10 days published notice. The public hearing must afford a reasonable opportunity for affected property owners and the public to be heard. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Recorder. Any failure to file said certified copy of the resolution shall not invalidate any such vacation proceedings.

Section 8.03 Not to Interfere with Special Improvements

Vacations provided for in this Chapter shall not nullify or interfere with the right of any public utility, franchise, municipal utility, or other similar interest in the property being vacated to enter upon such vacated property for the purpose of maintaining, repairing, removing, or replacing any improvement necessary for the proper operation of said utility or franchise, unless the Council orders otherwise; provided said order is consistent with the terms of any applicable franchise agreement. The Council may further regulate the vacating procedure by ordinance and provide for terms and conditions for any vacation as it deems are in the City's best interest.

Section 8.04 Power to Make Improvements and Levy Assessments

The City shall have the power to make any and every type of public improvement or service charge not forbidden by the laws of this State and to levy special assessments for all or any part of the cost of such improvements or services.

Section 8.05 Procedure for Making Improvements and Levying Assessments

All proceedings for construction, improvements, or service charges to be paid for by special assessment against benefited property may be instituted by either of two methods as follows:

- 1) any procedure as authorized by the State law, or
- 2) procedures as established by ordinance.

Chapter 9 **Miscellaneous Provisions**

Section 9.01 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, the annual financial report or a summary thereof, 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 matter. In lieu of publishing ordinances, the annual financial report or a summary thereof, and other matters in the designated legal newspaper, the Council may publish such matters in any other manner allowed by law.

Section 9.02 Contracts

All contracts entered into on behalf of the City shall be approved by the Council, signed by the Mayor, and attested by the administrative officer and the clerical officer; provided, that an ordinance establishing any board or commission may authorize the officers of said board to enter into valid contracts relating to its affairs. Notwithstanding the foregoing, the Council has the authority to approve a Purchasing Manual or other policy allowing for contracts to be entered into without Council approval provided that the parameters of the Purchasing Manual or any other applicable policy are satisfied. All contracts shall be let in accordance with applicable State law and requirements thereof for bidding, quotations, or directly negotiated purchases.

Section 9.03 City Officers Not to be Interested 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 direct personal financial interest in such contracts or personally benefit financially therefrom.

Section 9.04 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.

Section 9.05 City to Succeed to Rights and Obligations of Former City

The City shall succeed to all the property, rights and privileges, and shall be subject to all legal obligations of the City under the former Charter.

Section 9.06 Continuance in Office

Except as specifically provided herein, the adoption of this Charter shall not affect the terms of office or powers of any officer or members of any board theretofore appointed, but the same shall continue in office until changed by ordinance or resolution.

Section 9.07 Pending Condemnations and Assessments

Any condemnation 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.

Section 9.08 Ordinances to make Charter Effective

The Council shall, by ordinance, make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Section 9.09 Franchises

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. All franchises shall be granted by ordinance or shall be granted in accordance with an ordinance establishing the contents of said franchise. A public hearing shall be conducted on the granting of any franchise. No franchise shall be granted for a period of more than 25 years, nor shall any exclusive franchise be granted. All franchise renewal or modifications, including existing franchises, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

Section 9.10 Redistricting

Within 30 days of receipt of the final Federal Census, the clerical officer shall make an examination of the population of the City wards; and if the population in any one ward exceeds the population in any other ward by 10 percent of the smallest of the wards it shall be the duty of the clerical officer to notify the Council thereof. If the existing ward boundaries conform to the state redistricting standards, it shall be the duty of the clerical officer to notify the Council within 30 days of receipt of the final Federal Census.

After receiving such notification from the clerical officer, it shall be the mandatory duty of the City Council to either confirm the existing ward boundaries as conforming to the state redistricting standards, or redefine the ward boundaries to conform to those standards. If redefining the ward boundaries is necessary, the City may not redistrict its wards before the legislature has been redistricted. The wards must be redistricted within 60 days after the legislature has been redistricted or at least 19 weeks before the state primary election in the year ending in two, whichever is first. Every ward shall consist of contiguous territory and contain as nearly as possible one-fourth of the population of the City and in no event shall the largest populated ward exceed the smallest populated ward by more than 10 percent of said smallest ward. Whenever possible, ward lines shall follow the centerline of streets, avenues, alleys, and boulevards. Ward lines shall not divide then existing residences or platted blocks. If, in any such redistricting, the residence of any ward or combined ward Council Member is placed outside of the enumerated ward or wards from which he/she was elected, the office shall not be deemed vacant on that account; and he/she shall continue to serve out the term for which he/she was elected, but he/she shall be ineligible to run for reelection to said office while continuing to reside outside of said ward or wards.

Chapter 4

The Home Rule Charter City

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Chapter 4

The Home Rule Charter City

Understand the authority to form a home rule charter city, charter city powers and the ways it may be organized. Contrast charter cities to those operating under the statutory city code. These broad categories are the two basic types of city organization available in Minnesota.

RELEVANT LINKS:

[Minn. Const. art. XII, § 4.](#)
[Minn. Stat. ch. 410.](#)

See Part VIII – *Conflicts with state law.*

[Minn. Stat. ch. 412.](#)

See Part IV – *The charter commission.*
[Minn. Stat. § 410.33.](#)
[Minn. Stat. ch. 412.](#)

I. Home rule in Minnesota

The Minnesota Constitution permits the Legislature to establish home rule charter cities, counties, and other units of local government. State statutes enacted under this constitutional authority authorize cities to adopt home rule charters. Any city may adopt a home rule charter. Of the 855 cities in the state, 107 are currently operating under a voter-approved home rule charter.

Home rule charter cities can exercise any powers in their locally adopted charters as long as they do not conflict with state laws. Conversely, charter provisions can specifically restrict the powers of a city. As a result, voters in home rule cities have more control over their city’s powers.

II. Distinction between home rule charter and statutory cities

The major difference between home rule cities and statutory cities in Minnesota is the enabling legislation from which they gain their authority. Statutory cities derive their powers from Chapter 412 of Minnesota Statutes, commonly known as the statutory city code (“city code”). Home rule cities obtain their powers from a home rule charter. The distinction between home rule cities and statutory cities is one of organization and powers, not differences in population, size, location, or other physical features.

Despite this distinction, home rule charter cities are often interested in the statutory city code. For example, a charter commission will often review Chapter 412 when drafting amendments to the charter. In addition, when a charter is silent on a matter addressed in the statutory city code (or other general law), the home rule charter city can generally use that statutory authority as well. Statutory cities are sometimes interested in home rule charters themselves. This may occur when problems arise that cannot be solved under the statutory city code.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

[Minn. Stat. § 410.16.](#)
Handbook, *Local*
Government in Minnesota.

When a statutory city finds itself in such a situation, it can either request that the Legislature change the city code (or adopt a special law for that specific city), or it can become a home rule city with a charter provision that provides the necessary authority.

III. The home rule charter

Home rule charters are, in effect, local constitutions. State laws give cities a wide range of discretion to draft charters that will meet the specific needs of the community.

A. Forms of city organization

The charter may provide for any form of municipal government that is consistent with state laws that apply uniformly to all cities in Minnesota. Home rule charter cities in Minnesota have operated under the following four forms of city government. An individual charter may, however, alter some of these features.

1. Weak mayor-council

The weak mayor-council plan is the most predominant form of city organization and is used by 73 of the 107 home rule charter cities. Under this plan, administrative and legislative authority is the council's ultimate responsibility. The powers of the mayor are generally no greater (or less) than those of any other member of the council. No individual councilmember holds any specific administrative powers.

2. Strong mayor-council

The strong mayor-council plan is not very common in Minnesota. This plan is used by only four home rule charter cities: Minneapolis, St. Paul, Duluth, and St. Cloud. Under this plan, the mayor is responsible to the council for the operation of all administrative agencies. Under the usual strong mayor-council plan, the mayor can generally appoint and remove subordinates, is not a councilmember but can veto council legislation, and prepares and administers a budget that is subject to council approval. The chief functions of the council are to legislate and set policies.

3. Council-manager

Under the council-manager form of government, the council has policy-making and legislative authority, but the administration is the responsibility of an appointed manager who answers directly to the council. Thirty Minnesota home rule cities use the council-manager plan.

RELEVANT LINKS:

[LMC Charter Assistance Program.](#)

See Part V-C – *Amendments.*

See Part VII – *Charter subjects and provisions.*

4. Commission

Under the commission form of government, each elected councilmember is responsible for a particular administrative department. So, in addition to having duties as a legislative official, the councilmember is also a department head. The commission form has never been very popular. Over the years, it was used by only a few home rule cities. Today, no Minnesota city is operating under a commission.

B. Advantages of a home rule charter

The home rule charter type of city government has advantages and disadvantages. Some of the advantages of home rule include:

- One of the principal virtues of the home rule charter is that it allows each city to tailor its charter to its own individual needs and desires (cities are encouraged to contact the League of Minnesota Cities Charter Assistance Program for model and sample charters, research memos, and advice that will assist in drafting, amending, or adopting a charter). City residents draft, adopt, and amend the city’s charter.
- A home rule city, unlike a statutory city, has the power to make changes to fit its own needs by amending its charter. These changes can occur locally, rather than waiting (and hoping) for a new law to be passed when the Legislature is in session.
- The home rule process educates the voters of the city. Some work on charter commissions, while others will learn about the charter and any amendments when they vote on proposed changes.
- A city charter may cover many functions and procedures, or it may be very similar to the statutory form of city government.
- If general state laws are silent on a specific subject, local citizens may address them in their city’s charter.
- A charter may provide for initiative and referendum, recall, and election of councilmembers by wards.
- City charters sometimes include limitations that are more stringent than those in the general state laws. For example, a few home rule charters contain tax and debt limitations.
- The cost of government under a city charter need not be greater or less than the cost of the statutory city form of government.

C. Disadvantages of a home rule charter

A home rule charter also has its disadvantages. Some of these can include:

RELEVANT LINKS:

[National Civic League Model City Charter, Ninth Edition \(2021\).](#)

- **Cost.** While the cost of preparing a home rule charter should be relatively minor, the smaller the community, the larger the cost in proportion to population.
- **Drafting.** Poor charter drafting can be a problem. A charter city can minimize these concerns by relying on model charters and consulting competent professional advice.
- **Time.** The process for amending a charter is often time-consuming and cumbersome.
- **Division.** Charter amendments can be difficult to pass (particularly when the subject matter is controversial). Sometimes, city advocates will go directly to the Legislature for a solution, in order to bypass local opposition or to avoid dividing the community. This tends to defeat the original purpose of home rule: local control.
- **Elections.** If the city charter provides for special elections, election expenses may be overly burdensome to city budgets.
- **Jurisdiction.** Anyone looking for the applicable law relating to a home rule charter city must consult not only the state statutes, but the particular home rule charter. Only a few collections of the home rule charters exist. An up-to-date copy of a city charter is of utmost importance to ensure the advice is accurate.
- **Uniqueness.** The experiences of other cities may be of little help to a home rule charter city. For example, when the Supreme Court or the attorney general gives a ruling that concerns a statutory city, that opinion will, in most instances, be equally applicable to all other statutory cities in the state. Rulings affecting a home rule charter may, however, only be relevant to those cities that have very similar charter provisions.
- **Complexity.** The procedure for abandoning the charter form of city government may be similarly complicated.

D. Essentials of a good home rule charter

Effective charters maximize the advantages while minimizing the potential disadvantages. In addition, a good home rule charter will also address the following:

1. Comprehensive grant of power

The most essential element of a good charter is a comprehensive grant of power that allows the city to exercise all powers legally available under state law and the state constitution.

RELEVANT LINKS:

Because cities are organized to promote the welfare of the people, and city residents are in control through their elected representatives and charter commission members, citizens should not be afraid of entrusting their city government with a wide range of powers.

If the citizens feel it necessary, the charter can include initiative, referendum, and possibly recall provisions as additional checks to prevent the abuse of power.

An example of a comprehensive grant of power clause in a home rule charter is as follows:

“Powers of the City. The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of this state and of the United States. It is the intention of this charter to confer upon the city every power which it would have if it were specifically mentioned. The charter shall be construed liberally in favor of the city and the specific mention of particular municipal powers in other sections of this charter does not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the city council.”

2. Simplicity and brevity

Simplicity and brevity are also essential to a good charter. Provisions should be simple and clear, avoiding the possibility of more than one interpretation. A charter should also be brief enough to be read in a reasonable amount of time.

3. Governance fundamentals

Because of the difficulty in amending and abandoning a home rule charter, the charter should only deal with governance fundamentals and give the city council the authority to provide more detailed regulations through city ordinances.

4. Responsive organization

A good city charter provides for a workable, responsive governmental organization. Its design should eliminate unnecessary “red tape” and makes city government more effective by reducing the number of working parts.

RELEVANT LINKS:

[Minn. Stat. § 205.07.](#)

[Minn. Stat. § 410.05, subd. 1.](#)

[Minnesota District Courts.](#)

5. Centralize administration

Whenever possible, the charter should centralize responsibility for administration in one person: a chief administrative officer. This encourages and rewards expertise and efficiency in the administration of the city.

6. Representative democracy

A charter should emphasize representative democracy. A city should limit the number of elective offices so voters will be able to intelligently cast their ballots. The charter should never ask voters to elect non-policy-making administrative officers. The city should have only a single body elected by voters to legislate and determine policies for the city. This single legislative body, the city council, should be composed of between five and nine members. Councilmember terms should be long enough (up to four years) to gain experience. State law mandates that most council terms be four years, although a two-year mayoral term is allowed.

7. Advisory boards

All advisory boards, committees, and commissions should report directly to the city council. The Charter may outline a procedure for appointment to such groups.

IV. The charter commission

A. Creation

Every home rule charter begins with the appointment of a charter commission by the state district court. A charter commission may be created one of three ways:

- **Court Discretion.** The chief judge of the district court in which the city lies may appoint a charter commission if it is deemed to be in the best interest of the city. The court will probably not do this without local interest in the matter.
- **Petition.** The court must make the appointment if it receives a petition signed by voters who constitute at least 10 percent of the number of voters who voted at the last city election. Smaller cities may find it easier to get the necessary number of signatures.
- **Resolution.** The city council may, by resolution, request the district court appoint a charter commission.

RELEVANT LINKS:

[Minn. Stat. § 410.05, subds. 4-5.](#)

See Section IV-D – *Dissolution.*

[Minn. Stat. § 410.05, subd. 1.](#)

[Minn. Stat. § 410.05, subd. 1.](#)

Handbook, *Election Procedures.*

[Minn. Stat. § 410.05, subd. 3.](#)

[Minn. Stat. § 410.05, subd. 2.](#)

[Minn. Stat. § 410.05, subd. 2.](#)

Once appointed, a charter commission becomes a continuing body. Its membership will change from time to time, but the commission goes on indefinitely until it is formally dissolved using statutory procedures. The charter commission should meet at least once a year. Failure of the body to meet regularly, to propose a successful charter for election, or to function does not end its existence.

B. Commission members

Charter commissions must have between 7 and 15 members. The court will determine its size unless a petition of the voters or resolution of the city council specifies the size of the commission. Any city with a home rule charter may amend the charter to fix the size of the commission to be between 7 and 15 members.

1. Appointment

The district court usually makes charter commission appointments. The only statutory qualification for members of charter commissions is that they be qualified voters of the city. Commission members may hold other public office or public employment except for a judicial office. City councilmembers may serve on charter commissions.

However, the city’s charter may provide that members of the governing body cannot serve on the charter commission. Charter commission members may serve unlimited successive terms or the charter may contain term limits.

The court may receive information from interested citizens concerning these appointments. A city council, the petitioners requesting appointment of a commission, or the charter commission itself may suggest names of eligible nominees to the district court for consideration.

The court, acting through the chief judge, makes the charter commission appointments by filing an order with the district court clerk. The district court clerk then notifies the appointees, who have 30 days to file their written acceptances and oaths of office with the district court clerk.

Appointments are for staggered (or overlapping) four-year terms. Of the initial appointments, half the members plus one will serve two-year terms, with the remainder serving full four-year terms. Thereafter, the chief judge appoints new members or reappoints existing members every two years. The chief judge must make these appointments within 60 days of the expiration of each term.

RELEVANT LINKS:

[Minn. Stat. § 410.05, subd. 2.](#)

[Minn. Stat. § 410.05, subd. 2.](#)

[Minn. Stat. § 410.07.](#)

[Minn. Stat. § 410.05, subd. 5.](#)
[Minn. Stat. § 410.10, subd. 4.](#)

[Minn. Stat. § 410.05, subd. 2.](#)

[Minn. Stat. § 410.05, subd. 4.](#)

[Minn. Stat. § 410.12, subd. 1.](#)

2. Vacancies

The commission will experience vacancies due to various reasons, such as death, inability to perform duties, failure to qualify, resignation, or moving out of the corporate limits of the city. The district court may remove members from the commission at any time by written order. The order must show the reason for removal.

If any member fails to perform the prescribed duties and fails to attend four consecutive meetings of the commission without satisfactory explanation, a majority of the members may sign a request for the member's removal and the court must order the removal.

The commission should always contain its full complement of members. When a vacancy occurs, the chief judge must appoint a new member for the unexpired term.

C. Purpose and functions

The primary concern of a new charter commission in a statutory city is discussing and drafting a home rule charter document to be voted on by the city's residents.

If the voters reject the first charter proposed by a commission (absent discharge of the commission by a vote of its members or a referendum by the city's voters), the commission may continue to submit proposals until the voters finally adopt one.

Within 30 days after its appointment, a newly created charter commission must make rules, including quorum requirements, on its operations and procedures. The commission must file an annual report of its activities with the chief judge on or before Dec. 31 of each year and must send a copy of the report to the city clerk.

After adoption of the charter, the charter commission continues to function. The charter commission's statutorily prescribed duty is to study the local charter and government. The commission is required by law to meet at least once each calendar year. In addition, the commission must meet upon presentation of a petition signed by at least 10 percent of registered voters, according to the last annual city election, or by resolution of a majority of the city council. Further, the commission must convene to propose charter amendments upon presentation of a petition of at least five percent of the number of votes cast at the last state general election in the city.

RELEVANT LINKS:

[Minn. Stat. § 410.12, subd. 1.](#)

[Minn. Stat. § 13D.01.](#)
[DPO 04-059.](#)
[Minn. Stat. § 15.17.](#)
LMC information memo,
Meetings of City Councils.

Handbook, *Records Management.*

[Minn. Stat. § 410.05, subd. 5\(a\).](#)

LMC information memo,
City Special Elections.

[Minn. Stat. § 410.05, subd. 5\(b\).](#)

See Section V-E –
Abandoning a home rule charter.

[Minn. Stat. § 410.07.](#)

The charter commission has the power to propose charter changes at any time and acts like a standing constitutional convention. If the city charter does not work or proves to be faulty in operation, it is the commission's duty to propose improvements. For these reasons a commission should meet regularly as required and be prepared should any emergency arise.

Charter commissions are subject to the Minnesota Open Meeting Law (OML) and the Minnesota Government Data Practices Act (MGDPA). In addition, as government entities, charter commissions are required by law to keep a complete record of their activities and affairs.

Charter commission members should familiarize themselves with the requirements of these laws, specifically those that concern the notice and public posting of meetings under the OML.

D. Dissolution

In a statutory city where a home rule charter has not been adopted, an appointed charter commission may be discharged in one of the following ways:

- **Vote.** By a three-fourths vote of the charter commission, if the charter commission determines that a charter is not necessary or desirable.
- **Election.** After a general or special election (called by a petition of registered voters equal to at least 5 percent of the registered voters in the city) where a majority of the votes cast support the discharge of the charter commission.

If dissolved, another commission may not be formed sooner than one year from the date of discharge.

In a home rule charter city, the charter commission cannot be dissolved or otherwise cease to exist unless the home rule charter is abandoned through the statutory process for changing the city form of government.

V. The charter process

A. Drafting

In a statutory city without a home rule charter, the new charter commission must deliver to the city clerk the draft of a proposed charter or a report that states a home rule charter is not necessary or desirable. One of these documents must be provided as soon as practicable, and a majority of the members of the commission must sign it.

RELEVANT LINKS:

[Minn. Stat. § 410.06.](#)

[LMC Charter Assistance Program.](#)

[National Civic League Model City Charter, Ninth Edition \(2021\).](#)

When a majority of commission members approves a charter draft, the commission should make and authenticate at least three identical, clear copies. All the members who approved the draft should sign each of the copies. One copy should go to the clerk of the city, who will deliver it to the city council. The charter commission should keep the second copy in its files. A third copy might be useful for newspaper publication.

1. Professional assistance

Drafting a city charter is a complex and difficult job that requires special skill.

A charter commission may, subject to the dollar limitations contained in the law, employ an attorney and other personnel to assist in drafting a charter. Before getting too far along in the process, a charter commission should seek advice on what should be included in a charter and should also submit a draft to an impartial expert for final review.

The League of Minnesota Cities Charter Assistance Program can be of assistance in furnishing the commission with pertinent charter materials. The charter commission may also find it helpful to meet with a member of the League's staff to talk about forms of government, drafting procedures, and major policy problems. The League will also provide general advice. For a nominal fee, League counsel will examine and comment on an existing charter, charter draft, or amendment.

Most proposed charters have been sent to the League for this kind of review and comment.

2. Community involvement

The commission and its committees should collect the informed and interested opinions from citizens and city officials about the existing form of government and the proposed changes to a charter city. The charter commission should consider criticism or positive experiences with the existing government when drafting the charter. The commission should bring tentative proposals to the attention of the public and city officials before making final decisions. Often, the mayor, city councilmembers, and other city officials may have special insights into the merits or practicality of particular proposals.

RELEVANT LINKS:

[Minn. Stat. § 410.10, subd. 1.](#)
LMC information memo,
City Special Elections.
Office of the Minnesota
Secretary of State, [Ballot
Questions](#).

[Minn. Stat. § 410.10, subd. 1.](#)

[Minn. Stat. § 410.10, subd. 1.](#)
[Minn. Stat. § 205.10, subd.](#)
[3a. Minn. Stat. § 205.16.](#)

[Minn. Stat. § 410.10, subd. 2.](#)

B. Election

After receiving the signed draft charter, the clerk notifies the city council of its receipt and will remind the council to submit the charter to an election of the voters. If the council fails to do so, the court may order it. The ordinary election rules and procedures apply to charter elections and the city covers the expense. Charter provisions submitted to voters are generally referred to as ballot questions.

The charter commission may recall its proposed charter at any time before the council has fixed a date for the election. The council may authorize the commission to recall the charter at any time prior to its first publication.

The council may have options regarding the timing of the election. If no general city election is to occur within six months after the clerk receives the draft, the council must call a special charter election on a date allowable by law.

If a general city election will occur within six months, the council may either postpone the election on the charter until that general election, or it may call for a special election prior to the general election. If the election is held at the same time as the general election, the voting places and election officers shall be the same for both elections.

The notice of election must include the complete charter. The notice must be published once a week for two successive weeks in the official newspaper and may also be published in any other legal newspaper in the city. In first-class cities, the publication must be made in a newspaper having a regular paid circulation of at least 25,000 copies.

1. Charter campaign

What is the role of the charter commission in the campaign for adoption of the charter? There are sometimes different views about the role of the charter commission and that of individual commission members.

The law does not give the commission any responsibility after the charter has left the commission, nor does it set any restrictions. Some charter commissions have served as the principal sponsoring organization for the charter. Commission members have been responsible for publicity and have made public speeches or written editorials on the commission's (as well as the proposed charter's) behalf.

RELEVANT LINKS:

LMC information memo,
[Public Purpose Expenditures](#).

A.G. Op. 442-a-20 (Jul. 18, 1927). A. G. Op. 442-a-20 (Jul. 10, 1952). A. G. Op. 159-A-3 (May 24, 1966). A.G. Op. 355-a (Oct. 27, 2020).

See “Statement of Position: Expenditure of Public Funds on Ballot Issue Advocacy,” Office of the State Auditor.

[Minn. Stat. § 410.10, subd. 3.](#)
LMC information memo,
[City Special Elections](#).

[Minn. Stat. § 410.11.](#)
[Minn. Stat. § 410.04.](#) [Minn. Stat. § 410.121.](#)
[Bard v. Minneapolis](#), 256 Minn. 581, 99 N.W.2d 468 (1959).

In other cities, the commission as a whole has not been involved in the campaign, but sometimes individual members have participated. Because the statutes do not address the subject, what commission members do will depend on their perception of what is or is not appropriate. Surely, no other group is likely to know more about what is contained in the proposed charter and why or is likely to be more interested in the outcome of the charter election.

No outsider can give much advice on how to campaign for adoption of the charter. Local conditions and the kind of opposition that might develop will determine the necessary community response. Overconfidence, however, frequently results in the defeat of a charter. The opposition is usually vocal and well organized. It is no easy task, especially at a general election, to get the necessary majority to vote in favor of the charter. Frankness and honesty about the contents of the charter can help “disarm” the opposition. Throughout its entire proceedings, the commission should inform the public of its actions.

Charter commissions should keep in mind that the use of public funds to promote a particular election outcome may be questionable.

While efforts to inform voters about the charter and to encourage voters to cast their ballot seem reasonable, a “vote yes” campaign brochure is more questionable. Additionally, using email or social media to advocate for one side of a ballot question may be questionable. Campaign efforts by commission members in their role as private citizens seem acceptable, provided they do not claim to speak for the entire commission.

2. Ballot

The ballot shall bear the printed words: “Shall the proposed new charter be adopted? Yes ___ No ___” (with a box after each of the last two words, in which the voter may indicate his or her choice). If alternative charters or charter provisions are submitted, the ballot shall be so printed as to permit the voter to indicate the preferred language.

3. Ratification

The majority needed to adopt a charter is 51 percent of those voting on the question at the election. A three-fourths majority, however, is needed if a proposed charter alters liquor patrol limits (provisions to remove or amend charter provisions changing the sale of intoxicating liquor require a 55 percent majority). Statutory provisions specifying the percentage of necessary votes to adopt a new or revised charter or to amend a charter supersede conflicting charter provisions.

RELEVANT LINKS:

[Minn. Stat. § 410.11.](#)

[Minn. Stat. § 410.11.](#)

[Minn. Stat. § 410.11.](#)

[Minn. Stat. § 410.10, subd. 4.](#)

[Minn. Stat. § 410.05, subd. 5\(a\)\(1\).](#)

[Minn. Stat. § 410.05, subd. 5\(a\)\(2\).](#)

4. Filing

If voters adopt the charter, the city clerk must file copies in the office of the secretary of state, the office of the county recorder, and the clerk's office. A certificate attesting to the accuracy of the charter giving the date of the election and the vote by which the charter was adopted, must accompany each copy.

Although the Minnesota Constitution and laws do not require it, the charter commission should retain at least one copy of the charter. Printed copies of the charter should be sent to the League of Minnesota Cities, the Minnesota Historical Society, and to state and local libraries. These groups will frequently refer to the charter and it will be available to other Minnesota charter commissions considering new or amended charters. If the city has a website, it may want to consider posting an electronic copy of the charter for increased public access.

5. Effective date

The charter will take effect 30 days after the election or at another time specified by the charter. The charter supersedes any previous charter of the city. The courts must take judicial notice of the charter.

The officials elected and appointed under the newly adopted charter may then take control of the city's records, money, and property at any time specified by the charter. The charter may provide that until an election of officers occurs, the officers under the old charter will continue to function. When the new charter becomes fully operational, the re-organized city corporation is in all respects the legal successor of the corporation organized under the old charter or state law. Existing, consistent ordinances and contracts continue until the council changes them or they expire by their terms.

6. Rejected charters

If less than 51 percent of those voting on the question do not vote in favor of the proposed charter:

- **Modify and resubmit.** The charter commission may choose to modify its proposed charter and re-submit the charter for election.
- **Disband.** The charter commission may choose to disband by a three-fourths vote of its members.
- **Discharge.** The city voters may discharge the charter commission through a petition and referendum process.

RELEVANT LINKS:

[Minn. Stat. § 410.05, subd. 5\(b\).](#)

[Minn. Stat. § 410.12, subd. 1a.](#)

[Minn. Stat. § 410.12, subd. 1.](#)

[Minn. Stat. § 410.12, subds. 1-3.](#)
[A.G. Op. 59a-11 \(Dec. 30, 1981\).](#)

[Minn. Stat. § 410.12, subds. 1 & 3.](#)

[Minn. Stat. § 204B.071.](#)
[Office of the Minnesota Secretary of State, Ballot Questions.](#)

[Minn. Stat. § 410.12, subds. 1, 4.](#)
[Davies v. City of Minneapolis](#), 316 N.W.2d 498 (Minn. 1981).

When a charter commission disbands itself or is discharged by the city voters, another commission may not be formed sooner than one year from the date of discharge.

C. Amendments

Charter cities will find it necessary to update or otherwise modify their charter to reflect current needs and expectations. Amendments must originate through one of the several ways that are provided in statute:

1. Amendment by proposal

a. Charter commission

A charter commission may propose amendments to the charter at any time.

b. Citizen petition

A charter commission must propose amendments upon receiving a petition signed by a number of registered voters equal to 5 percent of the total votes cast at the previous state general election in the city. This percentage cannot be changed by the charter itself.

All petitions circulated must be uniform in character. The petition must state the proposed amendment to the charter in full. However, if the proposed amendment is larger than 1,000 words, a true and correct copy must be filed with the city clerk, and the petition will contain a summary (between 50 and 300 words) setting forth the “substance and nature” of the proposed amendment. When a summary is used, that summary (along with a copy of the proposed amendment) must be first submitted to the charter commission for its approval as to form and substance. The commission has 10 days to return the summary with any modifications necessary to fairly comply with these requirements.

The Secretary of State is required to develop rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state shall provide samples of petition forms for use by election officials. Once received, the commission must submit the petition to popular vote.

c. Process and procedure

The amendment goes to the city clerk, who notifies the council. The council then provides for the election under the same rules that apply to a new charter.

RELEVANT LINKS:

[Haumant v. Griffin](#), 699 N.W.2d 774 (Minn. Ct. App. 2005). [Kranz v. City of Bloomington](#), 990 N.W.2d 695 (Minn. 2023).

The council may not refuse to submit or change the amendment as long as it is constitutional. A city council does not need to submit an unconstitutional charter amendment or an amendment that violates state or federal law to the voters. When an amendment to a charter is proposed by the charter commission or petitioned for by the voters of the city, the proposed amendment must be submitted to the council at least 17 weeks before the general election.

2. Amendment by ordinance

a. City council

[Minn. Stat. § 410.12, subd. 5.](#)

The city council may propose an amendment by ordinance. The council submits the ordinance proposing an amendment to the commission, which has 60 days for review (which may be extended by the commission an additional 90 days by filing a resolution determining that additional time is necessary with the city clerk).

After the review period, the commission returns the amendment or its own substitute amendment to the council. The council then submits to the voters either the amendment it originally proposed or the commission’s substitute amendment.

b. Charter commission

[Minn. Stat. § 410.12, subd. 7.](#)

The charter commission may recommend the council amend the charter by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing of the proposal (which must also contain the text of the proposed amendment).

[Minn. Stat. § 410.12, subd. 7.](#)

The city must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The vote must be unanimous, including approval by the mayor if the mayor has veto power.

The ordinance proposing the amendment is subject to the same publication requirements as other ordinances. The ordinance becomes effective 90 days after passage and publication unless a later date is provided in the ordinance.

[Minn. Stat. § 410.12, subd. 7.](#)

Within 60 days after passage and publication, a petition signed by registered voters equal in number to at least 5 percent of the registered voters in the city or 2,000, whichever is less, may be submitted to force a referendum on the amendment.

RELEVANT LINKS:

[Minn. Stat. § 410.12, subd. 6.](#)

[Minn. Stat. § 410.10. Minn. Stat. § 410.12, subd. 4. Minn. Stat. § 410.121. Minn. Stat. § 205.10, subd. 3a. Minn. Stat. § 205.16.](#)
See Section V-B – *Election*.

[Minn. Stat. § 410.12. Minn. Stat. § 410.11.](#)

[LMC Charter Assistance Program.](#)

[Minn. Const. art. XII, § 5.](#)

If voters file a proper petition, the city must handle the amendment like any other charter amendment, except the council may submit the ordinance at a general or special election that occurs within 60 days after filing the petition, or it may reconsider its action in adopting the ordinance.

c. Cities of the fourth class

In cities with a population of less than 10,000, the council may propose amendments by ordinance without submitting them to the charter commission. Four-fifths of the councilmembers must vote in favor of the ordinance. Two weeks published notice is necessary before the vote. The council must then submit the ordinance to the voters like any other amendment.

3. Elections

The election concerning proposed amendments and the arrangement of the ballot are substantially the same as in the case of the adoption of a new charter. An amendment needs the favorable vote of 51 percent of those voting on the question.

4. Notice

Amendments, like charters, need the clerk’s certification. Copies must be filed in the offices of the secretary of state and county recorder, as well as in the clerk’s office. Amendments take effect either at the end of 30 days after the election, or at some other time if the amendment so specifies. The law also allows for alternative proposals.

The League of Minnesota Cities Charter Assistance Program would appreciate a copy in order to keep the LMC charter collection up to date. State and local libraries and the Minnesota Historical Society are also suggested recipients. A city may also want to consider posting charter amendments to its website to keep the online charter up to date.

D. New or revised charters

Any city having a home rule charter may adopt a new or revised charter in the same manner as an original charter. If a new or completely revised charter is to go to the voters, the preparation of the ballot and other procedures are substantially the same as for the original charter.

E. Abandoning a home rule charter

Any home rule city may abandon its charter and become a statutory city.

RELEVANT LINKS:

[Minn. Stat. § 410.30.](#)

[Minn. Stat. § 410.30.](#)

[Minn. Stat. § 410.16.](#)

[National Civic League
Model City Charter, Ninth
Edition \(2021\).](#)

Park v. City of Duluth, 134 Minn. 296, 159 N.W. 627 (1916). *State v. City of Duluth*, 134 Minn. 355, 159 N.W. 792 (1916). *City of Duluth v. Cerveney*, 218 Minn. 511, 16 N.W.2d 779 (1944).

Since the state was formed, only three cities—Jordan, Isanti, and Sauk Centre, all since 1989—have abandoned their charter form of government.

These three cities are now Plan A statutory cities. A city may abandon its charter by presenting a proposal, adopting it, and having it become effective in the same manner as a charter amendment. Accordingly, abandonment would require the approval of 51 percent of those voting on the question.

The proposal must include a schedule containing necessary provisions for transition to the statutory city form of government in order to place the city on a regular election schedule as soon as practicable. The proposal may provide for continuation of specified provisions of the home rule charter for an interim period and must specify the plan under which the city will operate as a statutory city.

VI. General powers

A city charter should deal only with the fundamentals of the governmental organization of the city, leaving the council free to exercise a broad grant of authority by ordinance. Modern charters contain provisions that claim for the city all powers that the home rule provision of the constitution permits a city to assume. Older charters contain a long list of specific grants giving various powers to the city. The strong statements of intent found in League and National Civic League model charters should be adequate to ensure that the omnibus grant gives the city all the municipal power it might receive through more specific grants.

Minnesota Supreme Court decisions generally have given a liberal construction to all-powers grants in city charters. In addition to powers granted by the charter, various state statutes may give additional powers to a city and regulate certain activities. For example, authority for planning, police civil service commissions, and municipal forest maintenance is included in laws dealing specifically with these subjects.

A home rule charter may provide any municipal powers the Legislature could have delegated to the city, as long as the powers are consistent with state statutes. A number of city charters have attempted to do this. Under such a grant, the charter may authorize the city to provide for medical clinics, public transit, and industrial parks. It may authorize any of a range of public enterprises as long as they do not involve the use of public funds for an unconstitutionally private purpose. The limits depend more on public policy than on the lack of home rule charter power.

RELEVANT LINKS:

[Minn. Stat. § 410.33.](#)
[Minn. Stat. ch. 412.](#)
[In re HUC Pipeline Condemnation Litig., No. A03-1125](#) (Minn. Ct. App. May 4, 2004) (unpublished decision).

[Nordmarken v. City of Richfield](#), 641 N.W.2d 343 (Minn. Ct. App. 2002). [Lilly v. City of Minneapolis](#), 527 N.W.2d 107 (Minn. Ct. App. 1995).

Handbook, [Property Tax Levy](#).

[Minn. Stat. § 275.75.](#)

Handbook, [Municipal Budgeting](#).
Handbook, [Property Tax Levy](#).

If a charter is silent on a topic that Chapter 412 or another statute addresses for statutory cities, home rule cities may usually apply the general law on the subject. If, however, general law prohibits a charter from addressing the matter or provides that the charter prevails over general law, the home rule city may not apply the general law.

No city, however, even one organized under a city charter, has inherent powers. A city may only exercise such powers that are expressly conferred by statute or are implied as necessary in aid of those powers. If a matter presents a statewide problem, the implied necessary powers to regulate are narrowly construed unless the Legislature has provided otherwise.

VII. Charter subjects and provisions

The following list of powers are addressed within many home rule charters is not complete or all-inclusive. Many provisions contained within a city charter are also discussed in more detail in other chapters of the LMC Handbook for Minnesota Cities.

A. Taxes

Presumably, a charter may grant a home rule city power to tax although the state has largely pre-empted two local non-property taxes: the sales tax and the income tax. State law has historically provided some differences between home rule charter cities and statutory cities in property tax levy authority.

For example, the Legislature allows charter cities to exceed their charter limits or referendum requirements for levy increases if the increased levy was needed to offset reductions in city local government aid (however, any state-imposed levy limits still apply).

B. Finance

The charter may, but does not need to, require a budget system (however, current truth-in-taxation laws require all cities to prepare a budget).

The charter may regulate the payment of claims and may also limit or broaden the purposes for which the city may spend money beyond the limits set for statutory cities. For example, a charter could allow appropriations to private agencies performing work of a public nature, while statutory cities probably could not. The law limits statutory cities in their issuance of warrants in anticipation of the collection of taxes. A charter may broaden or curtail this authority.

RELEVANT LINKS:

[Minn. Stat. § 410.325.](#)

Handbook, *Debt and Borrowing*.

[Minn. Stat. § 412.321.](#)

A.G. Op. 624a-3 (June 28, 1999).

[Minn. Stat. § 444.075, subd. 3\(b\).](#)
LMC information memo, *Securing Payments of Utility Charges*.

Handbook, *City Regulatory Functions*.
[Minn. Stat. § 410.09.](#)

[Minn. Stat. § 412.191, subd. 4.](#)

[Minn. Stat. § 410.20.](#)

Both statutory and home rule charter cities may use a system of anticipation certificates. A charter may lower the debt limit applicable to cities, but it may not raise the limit. A charter can also restrict the purposes for which the city may issue bonds, and it can make the procedure easier or more difficult.

C. Utilities

1. Municipal utilities

While statutory cities may establish electric, gas, light, and power utilities only after a vote by the people—regardless of the method of financing—a charter may provide for acquisition without a vote or may require a different majority from the majority necessary in statutory cities. A charter may give the right of condemnation without a time limit. A charter may also allow the city to use surplus utility funds to support general funds.

Charters may not attempt to set utility rates for water, sewer, and stormwater utilities. Charter provisions may not artificially inflate or suppress rates. Authority to set rates is vested exclusively in the city council by state statute.

2. Regulation

The Minnesota Public Utilities Commission and the Department of Commerce regulate the service and rates of private gas, electric, and telephone utilities. However, charters may acquire gas and electric franchises and may adopt regulations, including requirements for a gross earnings tax or similar fees. Strict limitations on the use of franchises, taxation, and fees for the use of public rights-of-way exist, whether or not a city has a charter.

D. Ordinances

1. Procedures

Statutory cities may pass an ordinance on a single reading at the same meeting that the ordinance first comes before the council.

The ordinance must be published in full or in summary form in the local newspaper. Statutory cities may, but do not need to, require several readings and a lapse of time between readings. Charters may or may not provide for publication, and they may impose other restrictions on the ordinance process.

RELEVANT LINKS:

[Minn. Stat. § 410.20.](#)

[Hanson v. City of Granite Falls](#), 529 N.W.2d 485 (Minn. Ct. App. 1995).

[HRA v. City of Minneapolis](#), 293 Minn. 227, 198 N.W.2d 531 (Minn. 1972). A.G. Op. 858 (Oct. 26, 1970). A.G. Op. 858 (August 5, 1970).

But see [City of Cuyahoga Falls v. Buckeye Cmty. Hope Found.](#), 538 U.S. 188, 123 S. Ct. 1389 (U.S. 2003). A.G. Op. 185b-2 (Mar. 8, 1962).

[Minn. Stat. § 205.02, subd. 2.](#)
[Minn. Stat. § 205.07, subd. 1.](#)

[Minn. Stat. § 205.10, subd. 3a.](#)

[Minn. Stat. § 410.16.](#)

[2004 Minn. Laws ch. 112, art. 3, §§ 12-13 to be codified at Minn. Stat. § 412.02.](#)

[Minn. Stat. § 351.02.](#)
A.G. Op. 59a-30 (Jul. 24, 1996).

2. Initiative and referendum

Only home rule charter cities may provide for initiative and referendum through their charter. In statutory cities, city voters cannot petition the council or city voters to adopt ordinances through the initiative process. Similarly, in statutory cities, city voters cannot act on ordinances passed by the council through the referendum process.

Only ordinances that are “legislative in character” may be enacted through the initiative process and passed upon by the voters through the referendum process. Legislative actions are those that are general in nature and lay down a permanent and uniform rule of law.

Administrative actions, on the other hand, are those of a temporary and special character. They merely carry out existing laws and relate to the daily administration of municipal affairs.

Administrative actions include the settlement of lawsuits, entering of contracts, acceptance or rejection of bids, sale of municipal bonds, appointment of city officials, levying of taxes, granting of licenses and permits, and the adoption of budgets.

E. Elections

State statutes regulate many phases of election procedure, but some may be open to city regulation through the charter. State law fixes the date of city elections in both statutory and home rule cities for the first Tuesday after the first Monday in November in even or odd years. In charter cities, special elections may only be held on the days allowable by law.

F. Elected officials

1. Wards

The charter may provide for various methods of representation including at-large representation, proportional ward representation, or a combination. The charter may also require different nomination procedures from those in statutory cities. Historically, ward representation was not available to statutory cities but in 2024 the legislature provided explicit authority for statutory cities to adopt wards.

2. Removal by the council

State law establishes the specific situations that create vacancies in elective office. A charter may not provide for removal of councilmembers by the council for any reason not explicitly stated in statute.

RELEVANT LINKS:

[Minn. Stat. § 410.20.](#)
[Minn. Const. art VIII, § 5.](#)
[Jacobsen v. Nagel](#), 255
Minn. 300, 96 N.W. 2d 569
(1959).

[Minneapolis Term Limits
Coalition v. Keefe](#), 535
N.W.2d 306 (Minn. 1995).

A.G. Op. 624a-3 (June 28,
1999). A.G. Op. 1001-a
(Sept. 15, 1950). [Muehring v.
School District No. 31](#), 224
Minn. 432, 28 N.W.2d 655
(1947). [Minneapolis Gas and
Light Co. v. City of
Minneapolis](#), 36 Minn. 159,
30 N.W. 450 (1886).

[Minn. Stat. § 471.345.](#)

A.G. Op. 59-a-15 (Aug. 22,
1969)

[Queen City Constr., Inc. v.
City of Rochester](#), 604
N.W.2d 368 (Minn. Ct. App.
1999).
Handbook, [Expenditures
Purchasing and Contracts](#).

3. Recall

Home rule charter cities have some limited authority to provide for recall elections of the city's elected officials. The Minnesota Constitution and state court decisions have restricted the recall of elected city officials to cases of serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office. Recall does not exist in statutory cities.

4. Term limits

A charter may not impose term limits on city elected officials.

G. City personnel

In home rule cities, the charter may establish procedures for the appointment and removal of non-elective officers and employees at the discretion of the council. The charter may include restrictions, such as a formal civil service system, and it may authorize the council to fix administrative salaries subject to the limitations and procedures provided by the charter.

H. Delegation of powers

Absent specific statutory or charter authority, the council of a charter city may not delegate powers and duties that require the exercise of judgment and discretion to other persons or bodies. Specific language must exist in the charter for any delegation to occur.

I. Contracts

State law establishes bidding procedures and uniform dollar limits for all city contracts for the purchase, sale, or rental of supplies, materials, or equipment, or the construction, alteration, repair, or maintenance of real or personal property.

While the language leaves some doubt about the application of the law to home rule charter cities, the attorney general held the statute supersedes all charter provisions concerning uniform dollar limitations. Presumably, the charter may regulate some phases of the contracting procedure, but most charters deal only with subjects not covered by the state law.

RELEVANT LINKS:

[Minn. Stat. § 412.222.](#)

[Minn. Stat. § 6.54.](#) [Minn. Stat. § 6.55.](#)

[Minn. Stat. §§ 471.695-.698.](#)

Handbook, [Property Tax Levy.](#)

Handbook, [City Licensing.](#)
Handbook, [City Regulatory Functions.](#)

Handbook, [Financing Public Improvements.](#)
[Minn. Const. art. X, § 1.](#)
[Minn. Stat. ch. 429.](#)
[Minn. Stat. § 429.111.](#)

[Minn. Stat. § 429.021, subd. 3.](#)

[Minn. Const. art. X, § 1.](#)

[Curiskis v. City of Minneapolis](#), 729 N.W.2d 655 (Minn. Ct. App. 2007).

J. Accounting

Under the law, statutory cities may employ a public accountant or the state auditor to perform an audit. By charter, cities may require an annual audit by the person designated to perform the audit. Charter cities are also subject to the law that requires the state auditor to examine a city's records on the initiative of the council or a petition of citizens.

All cities are required to publish their annual financial statements. In home rule cities, the charter may require additional reports and publication of the reports depending on the desires of the community. The number and kinds of funds, and the authority to transfer between funds, may come under charter regulation with minimum statutory restriction. In statutory cities, the law is more restrictive on this subject.

K. Licensing and regulation

While statutory cities must find a specific statute authorizing the licensing or regulation of an activity before they can regulate that activity, a charter city can often rely on an all-powers provision in its charter to license or regulate activities within its borders. Without such an all-powers or other broad grant of authority, a charter city must find a specific charter provision or state law authorizing the regulation.

L. Special assessments

Both statutory and home rule cities may finance local improvements by special assessments against benefited property under a uniform constitutional and statutory procedure. While most home rule cities follow state law, a city charter may provide a different procedure or authorize the council to adopt a different procedure and may require the city to use that method exclusively. A charter city, however, must conform to certain requirements of state law. The charter can require the city to use general funds or service charges, rather than special assessments, for local improvements. Any special assessments used must comply with the constitutional requirement that the amount of the special assessments cannot exceed the increased market value of the property as a result of the benefit due to the local improvement.

Some charters with special assessment provisions authorize the city council to choose between utilizing the charter provisions or state law when imposing special assessments. A court case has validated such charter provisions. However, when a city elects to use its charter provisions for a special assessment project, the charter provisions must be followed throughout the entire project.

RELEVANT LINKS:

Handbook, [Expenditures Purchasing and Contracts](#). LMC information memo, [Purchase and Sale of Real Property](#).

Handbook, [Liability](#).

[Nordmarken v. City of Richfield](#), 641 N.W.2d 343 (Minn. Ct. App. 2002).

[Mangold Midwest Co. v. Village of Richfield](#), 274 Minn. 347, 143 N.W.2d 813 (Minn. 1966). [State v. Kuhlman](#), 729 N.W.2d 577 (Minn. 2006).

[Bicking v. City of Minneapolis](#), 891 N.W.2d 304 (Minn. 2017); [Graco, Inc. v. City of Minneapolis](#), 937 N.W.2d 756 (Minn. 2020).

The city cannot later elect to use the state law provisions for the same special assessment project. Likewise, the city cannot commence a special assessment project under the procedure in state law and then later elect to utilize the charter procedure.

M. Real estate

Charter and statutory cities may acquire real estate that is needed for public purposes, and the council can dispose of it when it is no longer needed. State law does not require bids or approval of the voters, but a charter may impose such restrictions.

N. Liability

Both statutory and home rule cities are subject to the same tort liability imposed by statutes and court decisions.

Home rule charter cities may not attempt to extend or curtail the city's liability to any extent.

VIII. Conflicts with state law

Harmonizing general statutory language and charter provisions that deal with the same subject can be difficult.

Cities can resolve potential conflicts between state laws and charter provisions through the following process:

A. General rule

The general rule is that when a charter provision is in conflict with the state statutes, the statutory provisions prevail, and the charter provision is ineffective to the extent it conflicts with the state policy.

B. Identifying conflicts

When state law is silent on an issue covered by charter and the issue is one that the Legislature has the power to delegate to a city, the assumption is that there is no conflict with state policy. On the other hand, when a charter provision and state law deal with the same issue, the possibility for conflict or preemption occurs. Charter provisions or charter city ordinances conflict with state law when they contain express or implied terms that are irreconcilable with each other. State law preempts charter provisions or charter city ordinances when state law fully occupies a particular field of legislation.

RELEVANT LINKS:

[State v. Burns](#), No. A05-2554 (Minn. Ct. App. Mar. 20, 2007) (unpublished decision).

[Minn. Stat. § 410.015](#).

[Columbia Heights Relief Ass'n v. City of Columbia Heights](#), 305 Minn. 399, 233 N.W.2d 760 (1975). [State v. Kuhlman](#), 729 N.W.2d 577 (Minn. 2006). [State v. Burns](#), No. A05-2554 (Minn. Ct. App. Mar. 20, 2007) (unpublished decision).

Rather than requesting an attorney general’s opinion or having a court resolve the possible conflict, a city council can, by resolution, rely on the opinion of its attorney as to whether a conflict exists. In making this decision, the attorney should consider the following points:

- Is there a court case or attorney general opinion that deals with the same or similar provisions? If so, the city must follow the court ruling. Even though attorney general opinions are only advisory, a city should seriously consider the reasoning behind the opinion.
- In the absence of a court decision or attorney general ruling, does the state law clearly outline or imply a policy decision by the Legislature that the law applies to charter cities as well as to statutory cities?

For laws passed by the Legislature since 1976, this determination is easy. In any law taking effect after July 1, 1976, the word “city” means statutory city only. After that date, in order for a law to apply to charter cities, the law itself must clearly state it applies to both statutory and home rule charter cities. A mere reference to all cities would not be sufficient to include charter cities.

For laws enacted prior to July 1, 1976, cities should look for phrases such as, “all cities shall” or “unless the council determines to proceed under charter provisions” for clues of legislative intent.

Generally, laws enacted by the Legislature for the purpose of protecting the public prior to July 1, 1976, probably apply to all cities.

C. Resolution

Even if a general state law applies to charter cities, it does not necessarily supersede a charter provision. If both the charter and state law direct the city to take certain actions or follow certain procedures, it may be advisable to follow both the charter provision and the state law, in order to resolve any conflicts between the two provisions. State law supersedes charter provisions only to the extent the charter provisions conflict with state policy.

IX. How charter cities should use the LMC handbook

This handbook is written for both statutory and home rule charter cities. Each chapter includes a section on how the chapter relates to charter cities. Because of the differences in city charters, it is difficult to generalize about how an individual charter city will be impacted by any particular state law. The handbook does, however, address statewide laws and rules, court decisions, and attorney general opinions that apply to charter cities.

RELEVANT LINKS:

City of Hastings

Section 3.10 The City Administrator

The City Administrator shall be the chief administrative officer of the City. The City Administrator shall be chosen by the council solely on the basis of their training, experience, executive and administrative qualifications. The City Administrator shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of a majority of the entire council. But after the City Administrator has served as Administrator for one year, the City Administrator may demand written charges and a public hearing on the charges before the council prior to the date when the City Administrator's final removal takes effect. After the hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the Administrator or make the City Administrator's removal final. Pending the hearing and removal, the council may suspend the Administrator from office. A majority of the entire council may designate some properly qualified person to perform the duties of the Administrator during the City Administrator's absence, or disability or while the office is vacant.

Section 3.11 Powers And Duties Of The City Administrator

1. The City Administrator shall be responsible to the council for the administration of the City's affairs and shall have the powers and duties set forth in the following subdivisions:
2. The City Administrator shall see that this charter and the laws, ordinances and resolutions of the City are enforced.
3. The City Administrator shall appoint and remove upon the basis of merit and/or fitness alone, all employees of the City, except that the City Administrator shall receive council approval to either appoint or remove department heads and division heads established by either resolution or ordinance.
4. The City Administrator shall exercise control over all departments and divisions of the City Administration created by this charter or by the council. Except for the purpose of inquiry the Council and its members shall deal with and control the administrative services solely through the City Administrator, and neither the Council nor any member thereof shall give orders to any subordinates of the City Administrator either publicly or privately.
5. The City Administrator shall attend all meetings of the council and may take part in discussion but not vote.
6. The City Administrator shall recommend to the council for adoption such measures as he or she deems necessary for the welfare of the people and the efficient administration of the City's affairs.
7. The City Administrator shall keep the council fully advised on the financial condition and needs of the City, and shall prepare and submit to the council and annual budget and capital program.
8. The City Administrator shall submit to the council and make available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year.

9. The City Administrator shall make recommendations for terminating and suspending Department heads and Division heads, and may suspend any Department head or Division head, until the next Council meeting when the Council shall affirm, modify or rescind the suspension.
10. The City Administrator shall perform such other duties as are prescribed by charter or may be required by the council.

City of Marshall, MN

CHAPTER 6 ADMINISTRATION OF CITY AFFAIRS

[Section 6.01 Departments Of Administration](#)

[Section 6.02 The City Administrator](#)

[Section 6.03 Duties Of City Administrator](#)

[Section 6.04 Departments Of Administration](#)

[Section 6.05 Purchases And Contracts](#)

[Section 6.06 Contracts How Let](#)

Section 6.01 Departments Of Administration

The Council shall create such departments, divisions and bureaus for the administration of the City's affairs as it may deem necessary, and from time to time, alter their powers and organizations.

(Ord. No. 356 2nd series, § 1, 3-16-1996)

Section 6.02 The City Administrator

The Council shall appoint a City Administrator and delegate to the City Administrator whatever powers, ministerial or administrative, they deem necessary for the proper administration of City affairs, in addition to the specific duties set out in Section 6.03. The City Administrator shall be the chief administrative officer of the City. The City Administrator shall be so chosen by the Council solely on the basis of training, experience and administrative qualifications and need not be a resident of the City at the time of the appointment. The City Administrator shall be appointed for an indefinite period of time and may be removed by the Council at any time. The Council may designate some properly qualified person to perform the duties of the City Administrator during the City Administrator's absence or disability or while the office of the City Administrator is vacant.

(Ord. No. 564, § 1, 4-21-1975; Ord. No. 356 2nd series, § 1, 3-16-1996)

HISTORY

Amended by Ord. [24-004](#) on 2/13/2024

Section 6.03 Duties Of City Administrator

The City Administrator shall be directly responsible to the City Council for the proper administration of all affairs of the City, and to that the City Administrator shall perform the following specific duties:

Subd. 1. See that this Charter and the laws, ordinances and resolutions of the City are enforced;

Subd. 2. Under direction of the Council, exercise control over the departments and divisions of the City administration as provided by this Charter;

Subd. 3. Attend all meetings of the Council, unless excused, with the right to take part in discussion but not to vote. They shall, however, be excluded from any meeting of the Council at which their removal is considered, unless their presence is requested by a majority vote of the Council;

Subd. 4. Keep the Council advised of the financial condition and needs of the City and submit annually to the Council an administrative budget which shall be compiled from the various department budget requests;

Subd. 5. Prepare an administrative code incorporating details of administrative policies and procedures. They shall from time to time recommend amendments to the administrative policies of such code for approval by the City Council. The City Administrator may establish and amend as deemed appropriate administrative procedures in the administrative code without Council approval;

Subd. 6. Perform such other duties as may be prescribed by this Charter or by the law or required by the City Administrator by ordinances and resolutions adopted by the Council.

(Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 675 2nd series, 7-9-2013; Ord. No. 707 2nd series, § 1, 5-9-2016)

HISTORY

Amended by Ord. [24-004](#) on 2/13/2024

Section 6.04 Departments Of Administration

There shall be such other offices subordinate to the City Administrator as the Council may create by ordinance. The Council may by ordinance establish, modify or abolish offices and may combine the duties of various offices as it deems fit.

(Ord. No. 356 2nd series, § 1, 3-16-1996)

Section 6.05 Purchases And Contracts

The City Administrator shall be the chief purchasing agent of the City. All policies and procedures for City purchases and related contracts for supplies, materials, equipment, services or the like shall be prescribed by a formal policy approved by the City Council by majority vote and be in strict compliance with the laws of the State of Minnesota then in effect. All contracts, bonds and instruments of any kind to which the City is a party, except checks drawn on the City, shall be signed by the Mayor or President Pro Tem in the Mayor's absence and attest by the City Clerk or City Administrator in the absence of the City Clerk on behalf of the City and shall be executed in the name of the City.

(Ord. No. 564, § 1, 4-21-1975; Ord. No. 86 2nd series, § 1, 11-3-1980; Ord. No. 356 2nd series, § 1, 3-16-1996; Ord. No. 653 2nd series, § 1, 4-10-2012; Ord. No. 707 2nd series, § 1, 5-9-2016)

HISTORY

Amended by Ord. [24-004](#) on 2/13/2024

Section 6.06 Contracts How Let

All contracts for the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property, shall be let by the council, upon the recommendation of the City Administrator, in strict compliance with the laws of the State of Minnesota then in effect.

(Ord. No. 564, § 1, 4-21-1975; Ord. No. 356 2nd series, § 1, 3-16-1996)

City of Northfield

- **CHAPTER SEVEN. - ADMINISTRATION**
- **Section 7.1. - Appointment of the Administrator.**

There shall be an administrator, who shall be the chief administrative officer of the city. The administrator shall be appointed by the council, solely on the basis of his or her administrative experience and qualifications, and shall be responsible to and serve under the control and direction of the council.

(Ord. No. 545, § 7.1, 1-2-1990; Ord. No. 739, § 7.1, 11-6-2000; Ord. No. 781, 3-17-2003; Ord. No. 801, 4-19-2004)

- **Section 7.2. - Removal of the Administrator.**

The administrator shall serve at the pleasure of the council and may be removed by the council by written notice at any time. After one year of service, the administrator may demand written charges and a public hearing on the charges before final removal may take effect. Such demands must be made in writing and delivered to the city clerk. A demand for written charges must be made within five days of receipt of notice of the council's decision to remove the administrator. A demand for a public hearing must be made within ten days after receipt of written charges. If the administrator does not request a public hearing, removal of the administrator shall be final upon the expiration of the ten day period. If the administrator requests a public hearing, the council shall hold the hearing within thirty days after receipt of the administrator's request. The council shall notify the administrator of its decision in writing within five days after the hearing. Pending final removal of an administrator who has served for one year, the council may suspend the administrator by written notice but shall continue the administrator's salary until the date of final removal.

(Ord. No. 801, 4-19-2004; Ord. No. 864, 7-9-2007)

- **Section 7.3. - Powers and Duties of the Administrator.**

Subd. 1. The administrator shall administer the city in accordance with state law, this Charter, city ordinances, and council policies.

Subd. 2. With the approval of the council, the administrator shall appoint and may remove the finance director, the city clerk and other department heads.

Subd. 3. The administrator shall supervise all departments of the city. He or she shall have the sole authority to employ and dismiss personnel in city departments, including positions created by ordinance, except for the finance director, the city clerk and other department heads.

Subd. 4. The administrator shall establish rules, regulations, and procedures governing city departments, which shall be effective upon issuance and continue in effect until rescinded by the administrator or the council.

Subd. 5. The administrator shall coordinate activities of and serve as adviser to all elected and appointed city officials.

Subd. 6. The administrator shall keep the council fully advised as to the financial condition and needs of the city and shall prepare and submit to the council the annual budgets.

Subd. 7. The administrator shall supervise the purchase of all materials and equipment. The administrator may establish purchasing procedures subject to the approval of the council.

Subd. 8. The administrator shall attend meetings of the council and may take part in the discussion of matters before the council, except that, unless otherwise provided by state law, the council may exclude the administrator from a meeting at which the administrator's performance or a disciplinary matter regarding the administrator is considered.

Subd. 9. The administrator shall see that statutes relating to the city and the laws, ordinances, and resolutions of the city are enforced, shall investigate all complaints concerning city administration, and shall make recommendations to the council for improvement in services.

Subd. 10. The administrator, in consultation with the mayor, shall prepare the preliminary agenda for each council meeting.

Subd. 11. The administrator shall perform such other duties as may be required by the council.

(Ord. No. 739, § 7.3, 11-6-2000; Ord. No. 801, 4-19-2004; Ord. No. 863, 7-9-2007)

State Law reference— Charter may provide for administrative organizations, Minn. Stat. § 410.20.

- **Section 7.4. - Administrative Organizations.**

The council may establish city departments, offices, and agencies and prescribe their functions. No power or duty conferred by this Charter upon a particular office or agency shall be transferred to any other.

(Ord. No. 739, 11-6-2000; Ord. No. 801, 4-19-2004)

- **Section 7.5. - Subordinate Officers.**

Subordinate to the administrator, there shall be a finance director, city clerk, and such other officers as the council may establish by ordinance. The city clerk shall have duties in connection with the keeping of the public records. The finance director shall have duties of the custody and disbursement of the public funds, and all department managers shall be responsible for the administration of the city's affairs as the administrator may prescribe. The council by ordinance may abolish offices which have been created by ordinance and it may combine the duties of various offices.

(Ord. No. 739, § 7.5, 11-6-2000; Ord. No. 801, 4-19-2004; Ord. No. 863, 7-9-2007)

City of Stillwater

ARTICLE VII. - ADMINISTRATION OF CITY AFFAIRS

7.01. - The City Administrator.

The Council shall appoint an Administrator to be the chief administrative officer of the City. The Administrator shall appoint, suspend or remove all City Employees, except where otherwise provided by law or by Section 5.09 of the City Charter. In exercising the authority granted under this section, the Administrator must follow the personnel policy adopted by the Council and also be bound by any labor agreements to which the City is a party. The Administrator shall also recommend to the Council the appointment, suspension and removal of all Department Heads, City Officials and Supervisory Employees, except as otherwise provided by law or this Charter.

The City Administrator shall direct and supervise the administration of all departments, offices or agencies of the City except where otherwise provided by law or the City Charter. The City Administrator or the Administrator's designee shall attend all City Council meetings and take part in discussions. The City Administrator shall see that all laws, provisions of the Charter and acts of the Council, are faithfully executed.

The City Administrator shall prepare and submit the annual budget and capital program to the Council. The City Administrator shall also prepare and submit to the Council a long-range capital program. Annually the City Administrator shall submit to the Council and make available to the public a complete report on finances and administrative activities of the City.

The City Administrator shall make reports to the Council concerning the operations of City departments, offices and agencies that are subject to his/her jurisdiction and keep the Council fully advised as to the condition of the City's financial condition and the future needs of the City. The City Administrator shall provide staff support for the Mayor and the Council. The City Administrator shall perform such other duties as may be assigned by the Council.

(Ord. No. 894, 5-2-2000)

7.02. - Fiscal year.

The fiscal year of the City shall commence upon the first day of January and end the 31st day of December in each year.

(Ord. No. 894, 5-2-2000)

7.03. - Bonds.

The Council shall fix the amount of the bonds to be required of appointive officials.

(Ord. No. 894, 5-2-2000)

- **7.04. - Creating and discontinuing offices.**

The Council shall have the power to create and discontinue offices, prescribe the duties pertaining thereto, as the needs of the City may require, and establish personnel policies and procedures.

(Ord. No. 894, 5-2-2000)

- **7.05. - Failure to perform.**

All persons holding any office or employment under the City, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary, for the full and complete discharge of the duties of the office or employment, and a failure to do so shall be grounds for removal.

(Ord. No. 894, 5-2-2000)

- **7.06. - Compensation of City officials.**

The Council shall fix the compensation of all officers and employees of the City.

(Ord. No. 894, 5-2-2000)

- **7.07. - Qualification of appointees, removal.**

All appointments to positions under the City government shall be made strictly on merit and qualification for service and none shall be made or withheld by reason of religious or political opinions, affiliations or service. No promotion, reduction, reward or punishment shall be affected by anything other than merit and qualification to perform efficiently the services required.

(Ord. No. 894, 5-2-2000)

- **7.08. - Public officers, public employees, interest in contract; penalty.**

(a) Any public officer or public employee who is authorized in an official capacity to take part in any manner in making any sale, lease or contract decision may not voluntarily have a personal financial interest in that sale, lease or contract decision or personally benefit therefrom.

(b) A public officer or public employee who is found to have knowingly violated this provision is guilty of a gross misdemeanor pursuant to Minn. Stat. § 471.87.

(Ord. No. 863, § 1, 7-21-1998; Ord. No. 894, 5-2-2000)

- **7.09. - Public officers, interests in permits, licenses or zoning; penalty.**

(a) Any public officer who is authorized in an official capacity to take part in any manner in making any permit, license, or zoning decision may not voluntarily have a private financial interest clearly separate from that of the general public in that permit, license or zoning decision or personally benefit therefrom. The existence of a private financial interest or benefit clearly separate from that of the general public is, in all instances, a conflict of interest.

(b) Except as otherwise provided by law, every public officer must fully disclose all material information pertaining to potential conflicts of interest as they arise and must in all instances recuse himself or herself from participating in any discussion or decision on the matter under consideration.

(c) The City Council, within 60 days after the effective date of Section 7.09, must establish by ordinance a procedure to administer and enforce the conflict of interest and financial disclosure provisions of the Charter. The ordinance must, at a minimum, include the following provisions:

(1) Insofar as permissible under State law, the City Attorney must have the authority to issue, upon request of any interested party who wishes to use the opinion to guide their own conduct, binding advisory opinions concerning ethical and financial disclosure matters.

(2) That a complainant alleging a violation of Section 7.08 or 7.09 may be made to the City Attorney by any citizen of Stillwater or other interested party. A public officer or public employee who becomes aware of a violation of these sections must report the violation to the City Attorney.

(3) That the City Attorney must conduct an inquiry of the alleged violation and report the findings to the City Council at a public meeting within 30 days of receiving a complaint.

(4) That the City Attorney be authorized to hire independent counsel in the event that it is deemed necessary.

(5) That a finding that a public officer has knowingly violated Section 7.08 or 7.09 is grounds for removal from office.

(6) That any permit, license or zoning decision promulgated or issued in which an interested public officer participated in violation of this section is null and void.

(Ord. No. 863, § 1, 7-21-1998; Ord. No. 894, 5-2-2000)

- **7.10. - Definitions.**

(a) *Public officer* means an executive or administrative officer at the City of Stillwater or any subdivision, agency or commission thereof, whether elected, appointed or otherwise designated.

(b) *Public employee* means a person employed or acting for the City of Stillwater or any subdivision, agency or commission thereof for the purpose of exercising their respective powers and performing their respective duties, and who is not a public officer.

(Ord. No. 863, § 1, 7-21-1998; Ord. No. 894, 5-2-2000)