

CHARTER

CHARTER

CHARTER

CHARTER

OF THE

CITY OF FERGUS FALLS

Otter Tail County, Minnesota

CHAPTER 1

NAME, FORM OF GOVERNMENT, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

SEC. 1.01. NAME. The City of Fergus Falls, in the County of Otter Tail and State of Minnesota (herein “City”), shall continue to be a municipal corporation under that name.

SEC. 1.02. FORM OF GOVERNMENT. The form of government established by this Charter is the “Mayor-Council Plan”.

SEC. 1.03. CITY AND WARD BOUNDARIES. The boundaries of the City are the same as they now are or hereafter may be established. The City is hereby districted and divided into four wards known as the First, Second, Third and Fourth Wards to provide, as nearly as practicable, equal representation. Each Ward shall be composed of compact and contiguous territory. Ward boundaries shall be changed by ordinance at such time or times as provided by statute.

SEC. 1.04. POWERS OF THE CITY. The City shall have all powers which may now or hereafter be possible for a municipal corporation in this State to exercise in harmony with the Constitutions of this State and of the United States. It is intended to confer upon the City every power which it would have if it were specifically mentioned. The Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other Sections of this Charter does not limit the powers of the City to those so mentioned.

SEC. 1.05. CHARTER A PUBLIC ACT. This Charter shall be a public act and need not be pleaded or proved in any case.

SEC. 1.06. WORD USAGE. For purposes of this Charter, words used in the present tense shall include the future; words in the singular shall include the plural, the plural the singular, the words in the masculine shall include the feminine, and the feminine the masculine. In addition, the term “registered voters” is limited to voters registered within the city of Fergus Falls. (Ord. 77, Seventh Series, eff. 1-26-19)

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THE CITY COUNCIL

SEC. 2.01. COMPOSITION AND ELECTION. The City Council (throughout this Charter “the Council”) shall be composed of a Mayor and eight Council Members. The Mayor shall be a resident of the City and elected by and from the electors of the City at-large, and two Council Members shall be residents of the intended Ward and elected by and from the electors of each Ward, all of whom must be eligible to hold office under the Constitution of this State. Each member of the Council shall serve for a term of four (4) years and until his successor is elected and qualifies. The Mayor shall serve for a term of four (4) years and until a successor is elected and qualifies. One Council Member shall be elected from each Ward at each regular City election. The Mayor shall be elected at regular City elections. The Council shall be judges of the election returns.

SEC. 2.02. POWERS AND DUTIES. It is the duty of the Council to act in the best interests of the entire City and it shall have all powers to do so, except as limited by statute or the provisions of this Charter. The Council may create, change or abolish such departments, divisions, and bureaus for the efficient administration of City affairs as it may deem necessary and, from time to time, alter their powers and organization. The Council shall provide for an audit of the City’s accounts at least once a year by the State department in charge of such work or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City and it may cause to be made any survey or research study of any subject of City concern. The Council shall fix and determine salaries to be paid employees and employee benefits. The Council shall appoint a City Administrator and fix his compensation and benefits. It is intended that the Council function in a strictly Mayor-Council manner. Accordingly, no member of the council shall exercise, or seek to exercise, individual authority in any matter or over any City employee, department or organizational structure other than such as is specifically granted by this Charter or by statute. The Council, as a body, in a meeting at which a quorum is present, shall exercise the exclusive legislative authority of the City and determine matters of policy.

SEC. 2.03. INCOMPATIBLE OFFICES. No member of the Council may hold any paid City office or employment other than that to which elected, and may not be employed by the City until two years after the expiration of the term to which elected as Mayor or Council Member.

SEC. 2.04. VACANCIES. A vacancy in the Council, whether it be in the office of Mayor or Council Member, shall be deemed to exist if the incumbent Council Member or incumbent Mayor is no longer a resident of the City, dies, resigns, is removed from office, is convicted of any felony or any offense involving violation of the official oath, fails to take and file the oath of office, at or before the date of the second regular meeting of the Council held after January 1 next following the election at which elected or the second regular Council meeting held after the appointment is communicated to an appointee, or continuous absence from the City in excess of three months. In each such case, the Council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled for the unexpired term. No change in Ward boundaries shall in any way affect the then current term of any Council Member.

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SEC. 2.05. SALARIES. The members of the Council shall serve with reasonable compensation. The Council, by ordinance, may change the annual salary of its members, and such ordinance shall take effect after the regular City election next following adoption of such ordinance.

SEC. 2.06. BOARDS AND COMMISSIONS. The Council may, by ordinance or resolution, establish and regulate any board or commission to advise the Council with respect to any City function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions. The Council may, by ordinance, establish and regulate any administrative board or commission, and by such ordinance specify the powers and duties of such board or commission. Any board or commission may be abolished by action of the Council similar to that by which it was established. Members of boards and commissions shall be appointed by the Mayor and confirmed by the Council.

SEC. 2.07. THE MAYOR. The Mayor shall be the presiding officer of the Council. The Mayor shall have a vote as a member of the Council only in the case of a tie. He shall exercise all powers and perform all duties conferred and imposed upon him by this Charter, the ordinances of the City, and the laws of the State. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purpose of martial law.

SEC. 2.08. THE ACTING MAYOR. The Council shall choose from the Council Members an Acting Mayor who shall hold such office at the pleasure of the Council. The Acting Mayor shall serve as presiding officer in the Mayor's absence and as Mayor in case of the Mayor's temporary disability or absence from the City. The Acting Mayor, while serving as presiding officer or performing other duties as Mayor, shall have a vote as a Council Member, but not an additional vote in case of a tie.

CHAPTER 3

THE CITY ADMINISTRATOR

SEC. 3.01. THE OFFICE. The City Administrator shall be the Chief Administrative Officer and all administrative functions of the City, as such are from time to time specifically defined by the Council, shall be performed by him.

SEC. 3.02. SPECIFIC POWERS AND DUTIES. Unless specifically modified, revoked, amended or altered by Ordinance, the City Administrator shall have the following specific powers and duties: (1) supervision with managerial authority over all departments and employees; (2) the responsibility to hire, promote, discipline and discharge all City employees, except department heads, to the extent that such performance is not inconsistent with the collective bargaining agreement; (3) recommend to the Council the employment, discipline and discharge of department heads; (4) attend and participate in Council meetings; (5) prepare, with such participation of other staff members, the Tax Levy Committee, and the Council or its committee as may be practicable

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and recommend the annual budget; (6) keep minutes of all Council meetings or designate another person to perform this function; (7) act in the capacity of City Clerk and City Treasurer as to all matters relating to statutes and other laws; (8) subject to applicable law, negotiate and make purchases, and obtain competitive quotations and bids for other purchases; (9) keep the Council advised of the financial condition of the City and recommend from time to time the adoption of such measures as he may deem necessary or expedient for the health, safety and welfare of the community; (10) recommend salaries to be paid City officers and employees; and, (11) perform other duties specified by this Charter, ordinance of the City, or necessary to carry out the duties of Chief Administrative Officer.

SEC. 3.03. APPOINTMENT AND REMOVAL. The City Administrator shall be chosen on the basis of education, training, experience and administrative qualifications. The City Administrator shall be appointed for an indefinite term and may be terminated by the Council at any time by following due process.

CHAPTER 4

COUNCIL PROCEDURE

SEC. 4.01. COUNCIL MEETINGS. Elected members of the Council shall assume their duties after being qualified and sworn in at the first regular meeting of the Council in January following a regular municipal election. Thereafter, the Council shall meet at such time or times each month as may be prescribed by ordinance or resolution; provided, that the Council shall hold at least one regular meeting each month. The Mayor, or any three members of the Council, may call special meetings of the Council upon such notice as is provided by ordinance or statute. Notice of such meeting shall be given to the members of the Council by any means provided in its rules which must be consistent with any applicable statutory provision. All meetings of the Council shall be public, except as otherwise provided by statute, and any citizen shall have access to the minutes and records thereof at all reasonable times.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 4.02. RULES OF PROCEDURE AND QUORUM. The Council shall determine its own rules and order of business. Five Council Members shall constitute a quorum to do business, but a smaller number may adjourn to a time certain. The Council may by rule provide a means by which a minority may compel the attendance of absent members.

SEC. 4.03. ORDINANCES, RESOLUTIONS, AND MOTIONS. Except as otherwise provided in this Charter, all legislation shall be by ordinance. All matters relating to a specific municipal act shall be by resolution. The aye and no vote on ordinances and resolutions shall be recorded unless the vote is unanimous. An affirmative vote of at least five members of the Council shall be required for the adoption of all ordinances and resolutions, except as otherwise provided in this Charter. In the case of a tie, the required affirmative vote shall be four Council Members and the Mayor.

SEC. 4.04. ORDINANCE ADOPTION, AMENDMENT AND REPEAL PROCEDURE.

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Subd. 1. Form and Adoption. The ordaining clause of all ordinances shall be in the words, “The City of Fergus Falls ordains”. Every ordinance, except an emergency ordinance, shall be introduced in writing and may be adopted at any meeting occurring at least ten (10) days after the meeting at which it was introduced. No ordinance shall contain more than one subject which shall be clearly expressed in its title.

Subd. 2. Signing and Publication. Every ordinance adopted by the Council shall be signed by the Mayor or by two Council Members and attested to, filed and preserved by the City Administrator. Every ordinance shall be published once in the official newspaper. However, as to lengthy ordinances, or ordinances which include charts or maps, the Council may, by a four-fifths vote, determine that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of such ordinance, and direct that only the title and summary be published with a notice that a printed copy of the ordinance is available for inspection during regular office hours at the office of the City Administrator and at the Public Library. The text of the summary shall be approved by the Council prior to publication. Such publication shall be deemed to fulfill all legal requirements for publication as completely as if the entire ordinance had been published. The text of the summary shall be published in a body type no smaller than brevier or eight-point type as defined in Minnesota Statutes. Proof of publication shall be attached to and filed with the ordinance. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute of Minnesota, a State administrative rule or a regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Subd. 3. Emergency. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble thereto. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four hours after the ordinance has been filed with the City Administrator and posted in three conspicuous places or until the ordinance has been once published in the official means of publication, unless the person charged with violation had actual notice of the adoption of the ordinance prior to the act or omission of which complaint is made.

Subd. 4. When Effective. An emergency ordinance shall take effect immediately upon its adoption or at such later date as is fixed therein. Every other ordinance shall take effect fifteen (15) days after publication of the ordinance or publication of the summary, as the case may be, or at such later date as is fixed therein. Every ordinance adopted by the voters of the City shall take effect immediately upon its adoption, or at such later time as is fixed therein.

Subd. 5. Amendment or Repeal. Every ordinance repealing a previous ordinance or section or subdivision of a codification shall give the number, if any, and the title of the ordinance or section or subdivision to be repealed in whole or in part. No ordinance or section or subdivision shall be amended by reference to the title alone, but such an amending ordinance shall set forth in full each section, subdivision or subparagraph so amended.

SEC. 4.05. CODIFICATION OF ORDINANCES. The City may revise, re-arrange and

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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 City Administrator for general distribution to the public free or at a reasonable charge. Distribution in such published form shall be a sufficient notice of any ordinance provision not previously published.

SEC. 4.06. RESOLUTIONS. A resolution shall be presented in writing at the request of three Council Members. All resolutions shall be signed by the Mayor or two Council Members, attested to, filed and preserved by the City Administrator. All resolutions shall take effect immediately upon adoption or at such later date as is fixed therein.

CHAPTER 5

ELECTIONS

SEC. 5.01. REGULAR CITY ELECTION. A regular City election shall be held on the first Tuesday after the first Monday in November of even-numbered years at places designated by the City Council. The City Administrator must give notice of the election in the manner provided by law; however, failure to give notice does not invalidate the election. There shall be no City primary election. The candidate for mayor and the four candidates for council member, receiving a plurality of the votes over the other candidates shall be elected.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 5.02. CANDIDATE FILING. An eligible person may file as a candidate for election by filing their affidavits of candidacy with the City Administrator consistent with M.S. §205.13, or any amendments thereto. Each position on the council is a separate office. Each person wishing to be a candidate for a council office must designate which office is sought. A person may not be a candidate for more than one council office at an election.

SEC. 5.03. SPECIAL ELECTIONS. The Council may order a special election by resolution. The procedure at the election must conform to that prescribed for other City elections, including M.S. §205.07, §205.10, and §205.16 or any amendments thereto.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 5.04. ELECTION NOTICE. The City Administrator shall give at least two weeks prior notice of the time and place of holding all elections and of the officers to be elected and proposals to be submitted, if any, by posting at least once in a public place and by publication at least once in the official means of publication.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 5.05. ELECTION PROCEDURE. State law will govern all city elections except as otherwise provided in this Charter or City Ordinance.

SEC. 5.06. WITHDRAWAL. A candidate for a municipal elective office may withdraw

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not from the election by filing an affidavit of withdrawal, with the City Administrator consistent with M.S. §205.13, Subd. 6. Or any amendments thereof.

SEC. 5.07. NON-PARTISAN ELECTIONS. Elections for council positions shall be held on a non-partisan basis, with no party designation on the ballots.

CHAPTER 6

INITIATIVE, REFERENDUM, AND RECALL

SEC. 6.01. POWERS RESERVED BY THE PEOPLE. The people of the City reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money, rezoning of land, or authorizing the levy of taxes; to require such an ordinance when adopted by the Council to be referred to the registered voters for approval or disapproval; and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.02. EXPENDITURES BY PETITIONERS. No member of any initiative, referendum or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed such sums as may be provided by ordinance for stationery, copying, printing and notary's fees. Any violation of this Section is a misdemeanor.

SEC. 6.03. FURTHER REGULATIONS. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this Charter, as it deems necessary.

Initiative

SEC. 6.04. INITIATION OF MEASURES. Any five (5) registered voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition they shall file a certified copy of their proposed ordinance with the City Administrator together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.05. FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any ordinances shall consist of the ordinance, together with all signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters of the City equal to at least ten percent (10%) of the total number of voters registered on the date of the last preceding regular municipal election. All the signatures need not

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be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Initiative Petition

Proposing an ordinance to _____ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of five (5) registered voters:

Name (Printed)	Signature	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

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

Name (Printed)	Signature	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

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

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.06. FILING OF PETITIONS AND ACTION THEREON. All the signature papers shall be filed in the office of the City Administrator as one instrument. Within 10 days after the filing of the petition, the City Administrator shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is sufficient. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 30 days to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the City Administrator shall file it in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the ordinance to the registered voters at the next regular or any special election at its option. When the petition is found to be sufficient, the City Administrator shall so certify to the Council at its next meeting.

(Ord. 77, Seventh Series, eff. 1-26-19)

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SEC. 6.07. ACTION OF COUNCIL ON PETITION. Upon certification by the City Administrator of an ordinance initiated by petition, the Council shall refer the ordinance to the City Attorney or other qualified attorney selected by the Council for a written opinion as to the ordinance's compliance with Section 6.01, with a direction to the attorney to report to the Council within 30 days. If the attorney advises the Council that the initiated ordinance is contrary to the provisions of the law or this chapter, neither the Council nor any city officer may take any further action with respect to the ordinance. Upon receipt of the attorney's opinion that the initiated ordinance complies with Section 6.01 or if the attorney does not report to the Council within the 30-day period, at its next meeting the Council shall cause a first reading of the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The Council shall thereupon provide for a public hearing upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty (60) days after the date upon which it was submitted to the Council by the City Administrator. If the Council passes the proposed ordinance without amendments, the ordinance need not be submitted to the voters. If the Council passes the proposed ordinance with amendments and at least four-fifths of the sponsoring committee file a statement with the City Administrator approving the amended form within ten (10) days of its passage by the Council, the ordinance need not be submitted to the voters. If the Council fails to enact the ordinance in an acceptable form within seventy (70) days after the final determination of the sufficiency of the petition, the Council must schedule a special election on the earliest date possible under Minnesota law. The ordinance shall be placed on the ballot as stated on the original petition filed with the City Administrator, unless, not later than seventy (70) days after the date upon which it was submitted to the council by the City Administrator, the Council votes to submit the proposed ordinance to the voters with amendments, and at least four-fifths of the sponsoring committee file a statement with the City Administrator approving the amendments within ten (10) days of the City Council vote, in which event the Council must schedule a special election on the amended ordinance on the earliest date permitted under Minnesota law. If the majority of those voting on the ordinance, vote in its favor, it shall become effective thirty (30) days after its adoption unless the ordinance specifies a later effective date.
(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.08. INITIATIVE BALLOTS. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. The complete text of the ordinance shall be posted and available for public viewing at all polling places. If a majority of the registered voters voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of registered voters voting on the question shall prevail to the extent of the inconsistency.

SEC. 6.09. INITIATION OF CHARTER AMENDMENTS. Nothing in this Charter shall be construed as in any way affecting the right of the registered voters under the Constitution and statutes of Minnesota to propose amendments to this Charter.

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Referendum

SEC. 6.10. THE REFERENDUM. Any matter subject to the initiative may be subjected to referendum . The petition shall state, at the head of each page, or on an attached paper, a description of the ordinance and is signed by a number of registered voters of the City equal to at least ten percent (10%) of the total number of voters registered on the date of the last preceding regular municipal election, and is filed with the City Administrator requesting that any such ordinance be repealed or be submitted to a vote of the registered voters. Any ordinance, which has been adopted by the Council, but which is not yet effective, and upon which a petition has been filed, shall be suspended in its operation as soon as a petition is found sufficient; all other ordinances, including an emergency ordinance, shall remain in effect, but shall be repealed if the majority of the voters voting on the ordinance vote against it. The Council shall thereupon reconsider the ordinance at its next regular meeting, and either repeal it or by aye and no vote re-affirm its adherence to the ordinance as passed. In the latter case, it shall be placed on the ballot at the next election or at a special election called for that purpose, as the Council determines. If a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the dates specified in the ordinance; if a majority of electors voting thereon vote against the ordinance, it shall be considered repealed upon certification of the election results.

SEC. 6.11. REFERENDUM PETITIONS. The requirements laid down in Sections 6.04 and 6.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

Referendum Petition

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of five (5) registered voters:

Name (Printed)	Signature	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

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

Name (Printed)	Signature	Address
1. _____	_____	_____

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- 2. _____
- 3. _____

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.12. REFERENDUM BALLOTS. The ballots used in any referendum election shall conform to the rules laid down in Section 6.08 of this Charter for initiative ballots.

Recall

SEC. 6.13. RECALL OF ELECTED OFFICIALS. Any five registered voters may form a recall committee for the purpose of bringing about the recall of any elected official of the City for which each member of the recall committee is eligible to vote. The recall committee shall file a certificate of recall with the City Administrator stating the name of the official who is subject to removal, a statement of the grounds for removal in not more than two hundred and fifty (250) words, their intention to bring about his or her recall, and the name and address of each recall committee member. A copy of the certificate of recall shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

SEC. 6.14. RECALL PETITIONS. Within thirty (30) days after the filing of the certificate of recall under Section 6.13, the committee shall file the completed petition in the office of the City Administrator. Failure to timely file the petition invalidates the petition. The petition for the recall shall consist of a copy of the certificate of recall together with all the signature papers and affidavits thereto attached. When the official subject to recall is a mayor, such petition shall not be completed unless signed by registered voters of the City equal to at least twenty percent (20%) of the total number of voters registered on the date of the preceding regular municipal election. When the official subject to be recalled is a ward council member, only registered voters who are residents of his ward shall be eligible to sign the recall petition and vote at the recall election and the required number be at least twenty percent (20%) of the total number of registered voters in the ward on the date of preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

Recall Petition

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

Name (printed)	Signature	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

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The undersigned registered voters understanding the nature of the grounds against the official herein subject to be recalled, desire the holding of a recall election for that purpose.

Name (printed)	Signature	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

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

SEC. 6.15. REVIEW OF RECALL PETITION. The City Administrator shall examine the sufficiency of the petition for recall within the next ten (10) days of filing, and if he finds it insufficient in any way, he shall so notify one or more members of the committee of all insufficiencies in writing. The committee shall then be given ten (10) days in which to file additional signature papers and make necessary corrections to the petition with the City Administrator, but they may not change the grounds of the recall. The City Administrator shall have five (5) days to examine the additional signature papers and/or corrections to the petition. If at the end of that time the City Administrator finds the petition still insufficient or irregular, he shall notify all the members of the committee of the insufficiencies in writing and shall file the petition in his office. The final finding that the petition is insufficient shall not prejudice filing of a new petition for the same purpose.

SEC. 6.16. RECALL ELECTION. If a petition or amended petition is found sufficient, the City Administrator shall transmit it to the Council without delay, and shall also officially notify the person subject to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, schedule a special election on the petition on the earliest date permitted under Minnesota law.
(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.17. PROCEDURE AT RECALL ELECTION. The City Administrator shall include with the published and posted notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the official concerned in justification of his course in office.

SEC. 6.18. FORM OF RECALL BALLOT. Unless the official whose removal is subject resigns within ten (10) days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall ____ be recalled?" the name of the official subject to the recall being inserted in the blank, and the registered voters shall be permitted to vote separately "yes" or "no" upon this question. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and a vacancy shall be deemed to exist in said office. If the official subject to be recalled resigns within ten (10) days after the receipt by the Council of the completed recall petition, a vacancy shall be deemed to exist in said office. The Council shall then provide to fill said vacancy pursuant to the

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provisions of Section 2.04.

CHAPTER 7

TAXATION AND FINANCES

SEC. 7.01. COUNCIL TO CONTROL FINANCES. The Council shall have full authority over the financial affairs of the city. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public moneys.

SEC. 7.02. FISCAL YEAR. The fiscal year of the City shall be the calendar year.

SEC. 7.03. SYSTEM OF TAXATION. The Council shall have full power to provide for a system of local taxation. This authority includes the power to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the State Constitution, by this Charter or by laws imposing restrictions upon the City irrespective of Charter provisions; provided, however, the Council is hereby authorized to levy taxes for all purposes without statutory limitation.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 7.04. EQUALIZATION COMMITTEE. The Council shall by ordinance establish a committee of equalization to equalize assessments of property for taxation purposes according to law.

SEC. 7.05. SUBMISSION OF BUDGET. The Tax Levy Committee composed of the Mayor, City Administrator, and a member of the Council appointed by the Council shall prepare the estimates for the annual budget.

The budget shall provide a complete financial plan for the City funds and activities, as proposed by the tax levy committee, for the ensuing fiscal year and, except as required by law or Charter, shall be in such form as the Council deems desirable and may require. It shall include a summary and show in detail the estimated income and the proposed expenditures, for the budgeted funds. The budget document shall include comparative figures for the current fiscal year, budget, and the preceding fiscal year actual income and expenditures. In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure.

The budget shall also contain a recommended five (5) year capital improvement program. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five (5) 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; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in progress.

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(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 7.06. COUNCIL ACTION ON BUDGET. Subject to applicable State law, the budget shall be considered no later than at the second regular monthly meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated fund balances. The Council shall adopt the budget by a resolution which shall set forth a total for each budgeted fund and each department. The Council shall also adopt a resolution levying the amount of taxes provided in the budget and the City Administrator shall certify the tax resolution to the County Auditor in accordance with the law. At the beginning of the fiscal year the sums fixed in the budget resolution shall be appropriated for the purposes named and no other.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 7.07. ENFORCEMENT OF THE BUDGET. The City Administrator shall enforce strictly the provisions of the budget. He shall not authorize any payment or the incurring of any obligation by the City unless an appropriation has been made for the same and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the City shall place any order or make any purchase for a purpose not authorized in the budget resolution. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount exceeding a department appropriation shall be a personal obligation upon the person incurring the obligation unless ratified by the City Council.

SEC. 7.08. ALTERATIONS IN THE BUDGET. After the budget resolution has been adopted, the Council shall not increase the appropriations beyond the estimated revenue sources except to the extent that such sources exceed the estimate or available fund balance. At any time the Council may, by resolution, reduce the sums appropriated for any purpose by the budget resolution, or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

SEC. 7.09. FUNDS. There shall be maintained in the City Treasury a general fund and such other funds as may be required by statute, ordinance or resolution. The Council may, by ordinance or resolution, make inter-fund loans as it may deem necessary and appropriate.

SEC. 7.10. CITY INDEBTEDNESS. Except as provided in Sections 7.11 and 7.12, 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. No such obligations shall be issued and sold without the approval of the majority of the voters voting on the question at a general or special election, except in the case of obligations for which an election is not required by this Charter or by law.

SEC. 7.11. ANTICIPATION CERTIFICATES. At any time after January 1, the Council may issue certificates of indebtedness in anticipation of State and Federal Aid and the collection of

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taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed the total of State and Federal Aids and current taxes due to the fund and uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due not later than April 1 of the year following their issuance. The proceeds of the tax levied and such State or Federal Aids as the governing body may have allocated for the fund against which tax anticipation certificates are issued and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates.

SEC. 7.12. EMERGENCY DEBT CERTIFICATES. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency necessitates the making of extraordinary expenditures, the Council may issue on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed three (3) years. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The emergency debt certificates shall state the nature of the emergency and be approved by the Council.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 7.13. BANK LOANS. Whenever the Council, by resolution, deems it necessary and advantageous, it may borrow money from any bank for the purpose of financing any authorized capital improvement or other purpose as allowed by this Charter or by law. Such loans shall be payable within a maximum period of seven (7) years and shall be issued on such terms and in such manner as the Council may determine. If the amount of the obligations to be issued to finance any such purchase exceeds one (1%) percent of the assessed valuation of the City, excluding money and credits, they shall not be issued for at least thirty (30) days after publication using the official means of publication of the Council's resolution determining the issue; and if, before the end of that time, a petition asking for an election on the proposition, signed by a number of registered voters of the City equal to at least ten (10%) percent of the total number of voters registered on the date of the last preceding regular municipal election, is filed with the City Administrator, such obligations shall not be issued until the proposition for their issuance has been approved by a majority of the votes cast on the question at a regular or special election. A tax levy shall be made for the payment of the principal and interest on such obligations as in the case of bonds as prescribed by law. In lieu of borrowing money by bank loans as authorized by this Section, the Council may issue any other form of legal City obligation as allowed by law or by this Charter.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

SEC. 8.01. POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS. The City shall have the power to make any and every type of public improvement not forbidden by the laws of this State and to levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The amounts assessed to benefited property to pay for such local improvements may equal the cost of the improvement, including all costs and expenses

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connected therewith, with interest, until paid, but shall in no case exceed the benefits to the property.

SEC. 8.02. ASSESSMENTS FOR SERVICES. The Council may provide by ordinance that the cost of dust control, sweeping, snow or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the costs of any services to other property undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

SEC. 8.03. LOCAL IMPROVEMENTS REGULATIONS. The Council may prepare and adopt a comprehensive local improvement ordinance prescribing the procedure which shall be followed in making all local improvements and levying assessments therefore. The Council may elect to use State law or the local improvement ordinance for the purpose of providing local improvements and assessments thereof.

SEC. 8.04. PUBLIC WORKS; HOW PERFORMED. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by City employee, day labor, or by contract. The City shall require contractors and all persons furnishing labor and materials to give bonds for the protection of the City pursuant to the laws of the State.

CHAPTER 9

EMINENT DOMAIN

SEC. 9.01. ACQUISITION OF PROPERTY. The City may acquire, by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain, the City shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law.

CHAPTER 10

FRANCHISES

SEC. 10.01. FRANCHISES REQUIRED. Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Administrator to guarantee publication before the ordinance is passed.

SEC. 10.02. TERM. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty (20) years shall be effective until approved by a majority of the voters

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voting thereon

SEC. 10.03. PUBLIC HEARING. Before any franchise ordinance is adopted by the Council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official means of publication not less than ten (10) days prior to the date of the hearing.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 10.04. POWER OF REGULATION RESERVED. The Council may by ordinance reasonably regulate and control the exercise of any franchise, to the extent permitted by law. The value of the franchise may not be included in the evaluation of the grantee's property for any purpose, including municipal acquisition of the grantee's property by purchase or eminent domain.

SEC. 10.05. CONDITIONS IN EVERY FRANCHISE. All conditions specified in this Section shall be a part of every franchise even though they may not be expressly contained in the franchise: (1) That the Council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public; (2) That no sale, lease or transfer of said franchise shall be effective without the approval of the Council, and until the assignee or lessee shall have filed in the office of the City Administrator an instrument, duly executed, reciting the facts of such sale or lease, accepting the terms of the franchise and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee shall also file a bond in such amount and with such conditions as the Council may require, which bond shall run to the City as obligee, with sureties satisfactory to the Council, and shall obligate the assignee or lessee to discharge all obligations and liabilities imposed by said franchise; (3) That every grant in said franchise which allows for the erection of poles, masts or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, pipes or conduits under the streets or public places, or for the placing in the streets or other public places, of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require the alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health, or convenience of the public; (4) That every franchise and every extension or renewal of such franchise, shall contain a provision for its acceptance in writing by the grantee within thirty (30) days after its passage by the Council and before its submission to a vote of the people in case of a referendum. No such franchise shall be binding upon the City until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of, and consent to, all the terms, conditions and limitations contained in the ordinance granting the franchise as well as the provisions of this Charter; (5) That every franchise shall contain a provision granting the City the right to acquire same in accordance with applicable law.

SEC. 10.06. RENEWALS. An extension, renewal, or modification of a franchise is subject to the same limitations and procedures of a new franchise.

CHAPTER 11

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PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

SEC. 11.01. ACQUISITION AND OPERATION OF UTILITIES. The City may own and operate any gas, water, heat, power, light, telephone, cable communications or other public utility for supplying its own needs for utility service, or for supplying utility service to private consumers or both. Subject to applicable law, it may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire such public utility shall be consummated unless the City has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the City shall be under the supervision of the Council.

SEC. 11.02. RATES AND FINANCES. Upon recommendations made by the City Administrator or upon its own motion, the Council may fix rates, fares, and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable. In like manner, the Council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

SEC. 11.03. PURCHASE IN BULK. The Council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to consumers at such rates as it may fix.

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

SEC. 11.05. SALE OF PUBLIC UTILITY. No public utility owned by the City shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the voters voting thereon at a general or special election. In addition, any sale, lease or abandonment of a public utility shall be subject to the requirements of State law.

CHAPTER 12

MISCELLANEOUS AND TRANSITORY PROVISIONS

SEC. 12.01. OFFICIAL PUBLICATIONS. The Council must annually designate an official means of publication in accordance with state law. The official means of publication will be used to publish ordinances and other matters required by law to be so published.

SEC. 12.02. OATH OF OFFICE. City officers must take an oath of office in substantially the following form before taking office. "I do solemnly swear (or affirm) to support the constitutions of the United States, the State of Minnesota, and the Charter of the City of Fergus Falls and to discharge faithfully the duties of (title of position) the City of Fergus Falls to the best of my judgment and ability."

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SEC. 12.03. OFFICIAL INTEREST IN CONTRACTS. An elected or appointed city officer or employee who is authorized to take part in any manner in a city contract or non-contractual action before the Council may not have a personal financial interest in such contract or other non-contractual action matter, or personally benefit from it, except as permitted by law. The Council must adopt a code of ethics ordinance governing the official conduct of all elected and appointed officials. The Council may take whatever action it deems appropriate after finding that this ethical code has been violated, including disqualifying an official from voting on a particular matter.

SEC. 12.04. OFFICIAL BONDS. Before assuming their official duties, the City Administrator, the Finance Director, and other officers and employees required by ordinance must each provide the city a corporate surety bond securing the proper performance of official duties and the safekeeping of public funds. The city will pay the premiums on the bond. The bond (a) must be in the amount approved by the council, (b) may be either an individual or blanket surety bond, (c) must be approved as to form by the City Attorney and (d) must be filed with the City Administrator. State laws governing official bonds must also be satisfied.

SEC. 12.05. SALE OF REAL PROPERTY. No real property of the City shall be disposed of except by resolution. A resolution authorizing the sale of real property of the City shall not be adopted at the meeting at which it is introduced. At least ten (10) days shall elapse between the introduction and final adoption of such a resolution. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the Council may by ordinance or resolution designate some other public use for the proceeds.

SEC. 12.06. VACATION OF STREETS. No street, alley or other public place within the City shall be vacated except by ordinance adopted by the Council approved by six (6) members thereof, after a public hearing before the Council upon ten (10) days published notice of the time and place of such hearing. A notice of completion of such proceedings shall be filed with the proper County officers in accordance with law.
(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 12.07. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER CITY. The City shall succeed to all the property, rights, and privileges, and shall be subject to all the legal obligations of the City under the former Charter.

SEC. 12.08. EFFECTIVE DATE OF THIS CHARTER AND TERMS OF PRESENT OFFICERS. This Charter shall take effect on the date or at the time stated in the amending ordinance or, if an election is held thereon, then it shall take effect at the end of thirty (30) days from the date of such approving election. The terms of all present elected officers shall continue unchanged to the expiration of such terms.

SEC. 12.09. STATUTES NOT AFFECTED BY CHARTER. All general laws and statutes

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

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 12.10. EXISTING ORDINANCES CONTINUED. All ordinances and regulations of the City in force when this Charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

SEC. 12.11. PENDING CONDEMNATIONS, IMPROVEMENTS AND ASSESSMENTS. Any condemnation, improvement, or assessment proceedings in progress when this Charter takes effect shall be continued and completed under the laws under which such proceedings were begun. All assessments made by the City prior to the time when this charter takes effect shall be collected and the lien thereof enforced in the same manner as if this Charter had not been adopted.

SEC. 12.12. PURCHASES AND CONTRACTS. The City Council, in conjunction with the City Administrator, shall develop a policy authorizing the execution of contracts on behalf of the City. All purchases and contracts shall be made or let in accordance with applicable State law and requirements thereof for bidding, quotations, or directly negotiated purchases.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 12.13. CERTIFICATION OF DOCUMENTS. As to all documents, certified copies of which are appropriate, it is the duty of the City Administrator to make such certifications.

SEC. 12.14. DISPOSAL OF UNCLAIMED PROPERTY. The Council may, by ordinance, provide for a system of disposal of unclaimed property coming into its possession in the course of municipal operations and remaining unclaimed by the owner. Any such ordinance shall provide for the manner of sale and the fund into which proceeds are to be placed.

SEC. 12.15. CITY PROPERTY NOT LOST BY ADVERSE POSSESSION. No right, title, estate or easement of the City in any property shall be lost by adverse possession or occupancy, and no statute of limitations shall operate against the City in favor of any person occupying any public property or highway, whether such property shall have been improved or not.

SEC. 12.16. ORDINANCES TO MAKE CHARTER EFFECTIVE. The Council shall, by ordinance, resolution or other appropriate action, take such steps as may be necessary to make effective the provisions of this Charter.