

# Home Rule Charter of the City of Alexandria Minnesota

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Amended March 25, 2019

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Amended September 12, 2022

# Home Rule Charter of the City of Alexandria, Minnesota

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## **ARTICLE I – NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS**

### **Sec. 1.01. Name, Boundaries of City.**

The City of Alexandria, in the County of Douglas and State of Minnesota, upon taking effect of this charter, shall continue to be a municipal corporation, under the name and style of the City of Alexandria, with the same boundaries as now are or hereafter may be established.

### **Sec. 1.02. Wards.**

The City of Alexandria shall be divided into five wards, the boundaries of which shall be as they now are or may hereafter be established. The city council shall have the power by ordinance to change the boundaries of such wards as they may deem necessary, but shall have no power to change the number of wards.

### **Sec. 1.03. General Powers.**

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 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 Alexandria 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 power in the charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

**Sec. 1.04. Certain Enumerated Powers.**

Specifically, and without limiting in any way the generality of Sec. 1.03, the city shall have the power:

- (a) to take and hold, by purchase, condemnation, gift, devise or otherwise, and to lease and convey, all such property of any kind, within or without its boundaries, as its purposes may require or as may be useful or beneficial to its inhabitants;
- (b) to contract with the county or with other governmental units for such joint services and utilities as the city may deem desirable, and for all other lawful purposes;
- (c) to levy taxes and expend money for the treatment, purification, and betterment of the waters in lakes within, without, and adjacent to the corporate limits of said city.

**Sec. 1.05. By Whom Exercised.**

All powers of the City of Alexandria, except as otherwise provided by this charter, shall be exercised by the city council or under its direction.

**ARTICLE II – FORM OF GOVERNMENT AND CITY OFFICERS****Sec. 2.01. Elective Officers.**

The elective officers of the city shall be five members of the council, and the mayor. All such officers shall be qualified electors of the city. The member of the council and the mayor shall hold their respective offices for a term of four years commencing on January 2<sup>nd</sup> next following their election, and, at the expiration of their terms, until their successors are elected and qualified.

**Sec. 2.02. Council.****Subd. 1. Membership.**

The council shall consist of one member from each ward, who shall be a bona fide resident of that ward. The mayor shall have no vote in the proceedings of the council except in the case of a tie.

**Subd. 2. Meetings.**

Regular meetings of the city council shall be held on the second and fourth Mondays in each month, at 7:00 P.M., unless otherwise determined by a resolution adopted by a four-fifths vote of the council. A majority of the council shall constitute a quorum. The mayor or any two members of the council may call a special meeting of the council upon such notice given to the mayor and all council members who can be reasonably located. All meetings of the council shall be public. Any person shall have access to the minutes and records of such meetings subject to the provisions of the Minnesota Government Data Practices Act, as the same may be amended.

**Subd. 3. Rules of Procedure.**

The current version of Robert's Rules of Order or alternate rules of procedure shall be adopted annually by the council at the first meeting of the year. Those rules will be the governing guide to all council proceedings. A journal of all special and regular proceedings shall be kept in accordance with the Minnesota Government Data Practices Act.

**Subd. 4. Investigative Powers.**

The council, or any officer or officers authorized by them, shall have power to investigate the affairs of the city, and for that purpose to subpoena witnesses, administer oaths, and compel the production of books and papers. The council may at any time provide for the examination or audit of the accounts and any officer or department.

**Sec. 2.03. Mayor.****Subd. 1. Powers and Duties, Generally.**

The mayor shall be the presiding officer of the council. At the first meeting in January, a president pro tempore shall be chosen by the council who shall serve as president in the mayor's absence, and as acting mayor when the mayor is absent from the city or when the mayor is prevented by disability from performing the duties of the office. The mayor shall be the chief executive officer of the city and shall have command and control of its police force. 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 constitution and statutes of the State of Minnesota. The president pro tempore shall not relinquish right to vote during the council meeting simply because of the designation as president pro tempore.

**Subd. 2. The Veto Power.**

Every ordinance, every resolution, and every motion of the council involving the expenditure of public funds or the granting of licenses or permits, before it takes effect, shall be presented to the mayor forthwith for approval. If he shall approve it, he shall sign the same, but if he disapproves it, he shall return it to the council with his objections thereto, by depositing the same with the clerk, to be presented to the council at its next regular meeting, or at a special meeting called for that purpose. Upon the return of any ordinance, resolution or motion as aforesaid, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be put again upon the passage of the same, notwithstanding the objections of the mayor; and if, upon such submission, the council shall pass the same by a four-fifths vote of all its members, it shall have the same effect as if approved by the mayor. If any ordinance, resolution or motion aforesaid shall not be deposited with the clerk by the mayor within five days after it shall have been presented to him, it shall have the same effect as it approved by him.

**Sec. 2.04. Subordinate Officers.**

There shall be a City Administrator. The council by ordinance shall establish the powers and duties of the City Administrator. The City Administrator shall also perform the duties and responsibilities of the City Clerk and City Treasurer as determined by applicable state law, this charter, and city ordinances. There shall also be a city attorney, and such other subordinate officers as are designated in this charter or the council may create, each of whom may be appointed by the council. The duties of the various officers may be altered or combined as the council may see fit.

**Sec. 2.05. City Administrator.**

The City Administrator shall have the care and custody of the corporate seal of the city and, with the exception of those papers and records pertaining strictly to the operation and maintenance of the public utilities hereinafter provided for, of all papers, instruments, files and records of the city. The City Administrator shall have all the powers, rights, and privileges and shall perform all the duties imposed or granted by the City Charter, City Council, or by the statutes of the state of Minnesota, so far as applicable,

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and except as herein otherwise provided. During the absence or disability of the city administrator, the City Council shall designate whom shall perform the duties granted to or imposed upon the City Administrator.

**Sec. 2.06. Vacancies.****Subd. 1. Mayor.**

In the event of a vacancy in the office of mayor, whether by death, resignation or any other cause, the council shall forthwith order a special election to fill the vacancy for the unexpired term; provided, however, that if such vacancy occurs less than six months before the expiration of the term of said mayor, and then no special election shall be held, but the duties of said mayor shall rest upon and be discharged by the president pro tempore of the council as fully and to all intents and purposes as if said president pro tempore were the duly elected and qualified mayor.

**Subd. 2. Council.**

A vacancy in the council shall be deemed to exist in any case where a person elected thereto:

- (a) fails to qualify within 30 days from and after his election.
- (b) dies, resigns, is removed from office, removes from the ward in which elected.
- (c) is continuously absent from the city for more than three months.
- (d) is convicted of a felony, either before or after he qualifies.
- (e) fails, without good cause, to perform any of the duties of his office for a period of three months.

In each case, the council shall by resolution declare such vacancy to exist, and shall forthwith appoint an eligible person to fill the vacancy for the unexpired term of said office.

**Section 2.07. Salaries****Subd. 1. Elective Officers**

The salaries for all elective officers shall be in accordance with Minnesota Statute 415.11 as amended.

**Subd. 2. Appointive Officers and Employees.**

The salaries of all appointive officers and the wages of all employees of the city, except employees of the Board of Public Utilities shall be fixed by the city council.

**Subd. 3. Certain Salaries Not to be Increased.**

The salary of no elective officers shall be increased during the term for which he is elected except as authorized by Minnesota Statutes 415.11, as amended.

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**Sec. 2.08. Oath of Office.**

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

“I do solemnly swear (or affirm) to support the Constitution of the United States, and of the State of Minnesota, and faithfully to discharge the duties devolving upon me as \_\_\_\_\_ of the City of Alexandria, to the best of my judgement and ability.”

**Sec. 2.09. Official Bonds.**

The city clerk, the deputy city clerk, and such other officers as the council or the various commissions may direct, shall each, before entering upon the duties of their respective offices, be required to give bond to the city, in such sum as may be fixed by the council or the commissions, as additional security for the faithful performance of their respective duties and the safekeeping of the moneys, funds, securities, and property belonging to the city or any of its departments or commissions, or under their control. Such bonds shall be approved by the council or the commissions, as the case may be, and shall then be filed with the city clerk. The provisions of the statutes of the State of Minnesota, relative to official bonds, not inconsistent with this charter, shall be compiled with.

The City Council may furnish these bonds or insurance coverage providing similar protection to the City. The coverage may be obtained from the League of Minnesota Cities Insurance Trust or similar entity.

**Sec. 2.10. Incompatible Offices.**

No member of the council shall hold any other municipal office or become an employee of said city while serving as such council member. No former member shall be appointed to any appointive office or employment of the city, which office or employment was created, or the emoluments of which were increased, during the term as council member, until two years after the expiration of the term for which elected.

**ARTICLE III – PROCEDURE OF COUNCIL****Sec. 3.01. Legislation to be by Ordinance.**

Except as in this charter other provided, all legislation shall be by ordinance. The final vote of each member shall be recorded in the minutes. The affirmative vote of a majority of all members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter or in applicable state statutes.

**Sec. 3.02. Adoption of Ordinances.**

Every ordinance shall be presented in writing. No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced. At least fourteen days shall elapse between the introduction of any ordinance, except an emergency ordinance, and its final passage. Every ordinance shall be published forthwith once in the official newspaper of the city and shall take effect and be in force from and after its publication, except in the case of emergency ordinances. Notwithstanding any reference to publication of ordinances, if the city council, in its discretion, determines that the publication of the

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complete text of an ordinance is not economically feasible, the council may, by four-fifths vote, direct that publication by reference be made. If publication by reference is made the caption of the ordinance shall be published in lieu of the entire text and a brief and concise statement therefor substituted stating that it is not economically feasible to publish the entire text of the ordinance and that the full official copy of the ordinance is on file in the office of the city clerk and copies are available to any interested person during the regular office hours of the city clerk.

**Sec. 3.03.      Signing and Recording Ordinances.**

Every ordinance upon its passage, shall be signed by the mayor or by two other members attested to by the clerk and filed in the clerk's office. The clerk forthwith shall record such ordinance in a book kept for the purpose and the record shall be certified by the clerk. Nothing herein shall limit the veto power of the mayor as set forth in Sec. 2.03, Subd. 2.

**Sec. 3.04.      Amendment and Repeal of Ordinances.**

Every ordinance purporting to amend an ordinance shall set forth therein the section or sections of the original ordinance in the form that such section or sections will read when amended. Every ordinance for the repeal of an ordinance shall refer to the ordinance to be repealed by its number and its caption.

**Section. 3.05.   Adoption of Resolutions.**

Every resolution shall be in writing and shall be read in full at a council meeting before the vote thereon is taken, except that the reading thereof may be dispensed with by unanimous consent. All resolutions shall be signed by the mayor, attested by the clerk, recorded and kept on file in the office of the clerk.

Resolutions need not be published in full, but a proper reference to each resolution shall be made in the minutes of the council meeting at which it is adopted, showing the purpose and character of the resolution.

**Sec. 3.06.      Emergency Ordinances.**

An emergency ordinance is an ordinance for the immediate preservation of the public peace, health, or safety, in which the emergency is defined or declared in the preamble thereto. There shall be a separate vote on the preamble to determine whether or not an emergency exists.

**ARTICLE IV – NOMINATIONS AND ELECTIONS.****Sec. 4.01.      Law Governing.**

All general laws of the State of Minnesota relating to elections and the preliminaries thereof shall, as far as applicable, apply to and govern all elections under this charter. The returns shall be made to the clerk within two days after an election under this charter.

The council shall meet and canvass the returns and declare the result as appears from such returns in the manner prescribed by state statute, and the clerk shall forthwith give notice in writing to the officers elected of their respective elections. A plurality of votes for elective officers shall constitute an election. When two or more persons shall receive an equal number of votes for the same office the election shall be determined by the casting of lots, in the presence of the council, at such time and place and in such manner as it may direct.

**Sec. 4.02. Regular Municipal Election.**

The regular municipal election shall be held on the first Tuesday after the first Monday in November in even numbered years, as such places as the city council may designate. All elective officers provided by this charter shall assume their duties on the January 2<sup>nd</sup> following such election. Each ward shall constitute at least one election district, and additional election districts may be established, and the boundaries thereof subsequently changed in the manner prescribed by law. At least fifteen days previous notice shall be given by the city clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof at least one public place in each election district, or by publishing a notice thereof at least once in the official newspaper of the city or both, as the council may ordain, but failure to give such notice shall not invalidate such election.

**Sec. 4.03. Special Elections.**

The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections.

**Sec. 4.04. Judges of Election.**

The council shall at least ten days before each municipal election appoint such judges of election as it may deem necessary, each of whom shall be a qualified elector of the district that person serves.

**Sec. 4.05. Procedure.**

Subject to the provisions of the charter and applicable state laws, the council may by ordinance further regulate the conduct of city elections.

**ARTICLE V – INITIATIVE, REFERENDUM AND RECALL****Sec. 5.01. General Provisions.****Subd. 1. Powers Reserved by the People.**

The people of Alexandria reserve to themselves the powers in accordance with the provisions of this charter to initiate and adopt legislative ordinances, to require legislative measures passed by the council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called initiative, the referendum, and the recall, respectively. Initiative and referendum may not be applied to an administrative action of the city or to an ordinance that appropriates money, authorizes the levy of taxes, or involves land use or zoning.

**Subd. 2. Expenditures by Petitioners.**

No member of an initiative, referendum, or recall committee, no circular 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 service rendered in connection with the circulation thereof, but this shall not prevent any such committee from incurring expenses for legal advice, stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.



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**Subd. 3. Further Regulations.**

The council, as soon as possible after organization of the city government under this charter, shall provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this charter, as may be deemed necessary. Such ordinances shall include the relevant provisions of this charter.

**Sec. 5.02. Initiative.****Subd. 1. Generally.**

Any five electors who are residents of the City of Alexandria may form themselves into a committee for the initiation of any legislative measure of public concern. After formulating their measure they shall file a verified copy thereof with the city clerk, together with their names and addresses as members of such committee. They shall also attached a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

**Subd. 2. Form of Petition and Signature Papers.**

The petition for the adoption of any measure shall consist of the measure, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten percent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper shall be substantially the following form:

Initiative Petition	
proposing an ordinance to _____ (stating the purpose of the measure), a copy of	
which ordinance is hereto attached. This measure is sponsored by the following committee of electors:	
Name	Address
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
5 _____	_____

**Instructions to Petition Signers**

You are being asked to sign a petition. You must be a resident of, and a registered voter, in the City of Alexandria. Every person signing this petition must do so in the presence of the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition.

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

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	<u>Date</u>	<u>Legal Signature</u>	<u>Name (print legibly)</u>	<u>Address (print legibly)</u>
1.				
2.				
3.				

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

**Subd. 3. Filing of Petition and Action Thereon.**

All the signature papers shall be filed in the office of the city clerk as one instrument. Within ten (10) days after the filing of the petition the city clerk shall ascertain by examination the number of electors who signatures are appended thereto, and whether this number is at least ten per cent of the total number of electors who cast their votes at the last preceding regular municipal election. If the city clerk finds the petition insufficient or irregular, the city clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for that finding. The committee shall then be given thirty days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the city clerk shall file the same in the city clerk's 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 measure to the electors at the next regular or any special election, at its option.

**Subd. 4. Action of Council on Petition.**

Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners, and the percentage of the total number of voters which they constitute, and the council shall at once read the measure and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the council not later than sixty-five days after the date upon which such measure was submitted to the council by the city clerk. If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted by the council to the vote of the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least fifteen per center of the total number of voters voting at the last regular municipal election, then the council shall call a special election upon the measure to be held not less than thirty nor more than forty-five days from such date, unless a regular election is to occur within three months, in which case it may be submitted at such regular municipal election. Provided, further, that no such special election may be held sooner than allows by state law. In case the council passes the proposed measure with amendments and at least four-fifths of the committee of petitioner do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the measure need not be submitted to the electors.

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**Subd. 5. Initiative Ballots.**

The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "For the measure" or "Against the measure." If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance of the city as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately.

**Subd. 6. Initiation of Charter Amendments.**

Nothing in this charter contained 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.

**Sec. 5.03. Referendum.****Subd. 1. Generally.**

If prior to the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to fifteen percent of the total vote at the last regular municipal election be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said measure shall thereby be prevented from going into operation. The council shall thereupon reconsider the said measure at its next regular meeting and either repeal the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by vote reaffirm its adherence to the measure as passed.

**Subd. 2. Referendum Petition.**

The requirements laid down in Section 5.02, Subdivisions 1 and 2 as to the formation of committees for the initiation of measures 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 substantially as follows:

## Referendum Petition

proposing the repeal (or partial repeal, as the case may be) of an ordinance to (stating the purpose of the measure), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

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

**Instructions to Petition Signers**

You are being asked to sign a petition. You must be a resident of, and a registered voter in, the City of Alexandria. Every person signing this petition must do so in the presence of the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition.

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

	<u>Date</u>	<u>Legal Signature</u>	<u>Name (print legibly)</u>	<u>Address (print legibly)</u>
1.				
2.				
3.				

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

### **Subd. 3. Referendum Ballots.**

The ballots used in any referendum election shall conform as nearly as possible to the rules laid down in Sec. 5.02, Subd. 5, of this charter for initiative ballots.

### **Subd. 4. Referendum Relating to Charter Amendments.**

If a referendum relates to an ordinance to amend this Charter, then state law shall govern the process for such referendum.

## **Section. 5.04. Recall.**

### **Subd. 1. Generally.**

Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city, and any five electors of any ward may form themselves into a committee for the purpose of bringing about the recall of any elected officer of that ward. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about his or her recall. The grounds as set forth in the recall petition must be predicated on one (1) or more charges of malfeasance, nonfeasance or both, as the same may be defined by state law. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

### **Subd. 2. Recall Petitions.**

The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every 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. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper shall be in substantially the following form:

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## Recall Petition

proposing the recall of \_\_\_\_\_ from his/her office as \_\_\_\_\_, which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors who are all residents of the City of Alexandria:

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

**Instructions to Petition Signers**

You are being asked to sign a petition. You must be a resident of, and a registered voter in, the City of Alexandria. Every person signing this petition must do so in the presence of the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition.

The undersigned registered voters, all being eligible to vote on candidates for that office, understanding the nature of the charges against the elected officer herein sought to be recalled, desire the holding of a recall election for that purpose.

	<u>Date</u>	<u>Legal Signature</u>	<u>Name (print legibly)</u>	<u>Address (print legibly)</u>
1.				
2.				
3.				

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

**Subd. 3. Filing of Petitions.**

Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the same within the next ten (10) days, and if the clerk finds it irregular in any way or finds that the number of signers is less than twenty-five percent of the total number of electors of the city or ward, as the case may be, who cast their votes at the last preceding regular municipal election for all candidates for the office in question, the clerk shall so notify one or more members of the committee. The committee shall then be given ten (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 city clerk finds the petition still insufficient or irregular the clerk shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

**Subd. 4. Recall Election.**

If the petition or amended petition be found sufficient, the city clerk 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 motion, provide for the

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holding of a special recall election throughout the city or in the ward in question, not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time. Provided, further, that no such special election may be held sooner than allowed by state law.

In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

#### **Subd. 5. Form of Recall Ballot.**

Unless the officer whose removal is sought shall have resigned within ten 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 A \_\_\_\_\_ be recalled from the office of \_\_\_\_\_?" the name of the officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not himself be, a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, the official shall be thereby removed from office, and in that event, the candidate who receives the highest number of votes for the office shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the vacancy shall be filled in accordance with the provision of Sec. 2.06, Subd. 2.

#### **Sec. 5.05. Offenses; penalty.**

It is unlawful for a person to:

- a. Sign a name other than that person's own name to an initiative, referendum or recall petition;
  - b. Circulate an initiative or referendum petition without required attachments;
  - c. Circulate an initiative, referendum or recall petition when unqualified to do so;
  - d. Sign an initiative, referendum, or recall petition when that person knows he or she is not qualified to do so;
  - e. Make a false affidavit in connection with an initiative, referendum, or recall petition;
  - f. Pay or offer to pay a person, or receive payment or agree to receive payment, for signing an initiative, referendum or recall petition;
  - g. Pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition.
- This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signature obtained, as long as the circulators fully disclose all contributions received to the city clerk upon submission of the petitions.

A violation of this section is a misdemeanor punishable in accordance with state law.

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**ARTICLE VI – ADMINISTRATION OF CITY AFFAIRS****Sec. 6.01. Departments.**

Any departments of the city existing on the date of adoption of this section are deemed to have been duly created and may only be eliminated or combined pursuant to this Section 6.01. Except as provided in Section 6.02, the council may, with the approval of at least two-thirds of its members, create, eliminate or combine departments of the City. The council shall, with the approval of a majority of its members, establish the – duties of the City’s various departments and shall appoint department heads as needed.

**Sec 6.02. Board of Public Utilities.**

The water, electricity, business communications and other utilities of the City of Alexandria shall be operated, maintained, and otherwise controlled by a Board of Public Utilities composed of not less than five nor more than seven members, as the council shall determine. The members of the Board of Public Utilities shall be appointed for the terms of three years each by the city council. No member of the Board of Public Utilities may serve more than three consecutive three year appointments.

**Sec. 6.03. Police Department.**

The mayor shall be the head of the Police Department. There shall be chief of police and such other officers of the peace as the mayor, from time to time, may deem necessary. The chief and all regular officers of the department shall possess the authority and rights of and perform all the duties of law enforcement officers. There shall be a Police Commission that shall function as determined by the City Council.

**ARTICLE VII – TAXATION AND FINANCE****Sec. 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 revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public moneys; and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

**Sec. 7.02. The Budget.****Subd. 1. Committee.**

There shall be a city budget committee composed of the mayor, the city clerk, and a member of the council selected by the council.

**Subd. 2. Submission; Contents.**

The city budget committee shall prepare and submit to the council a budget for the ensuing fiscal year, exclusive of the public utility departments. The city budget shall be based upon detailed estimates and shall present the following information:

- (a) An itemized statement of the appropriations recommended by the city budget committee for current expenses and for permanent improvements for the ensuing fiscal year, with comparative statements of the appropriations and expenditures for the current and next preceding fiscal year.
- (b) Such other information as may be required by the council.

**Subd. 3. Passage.**

The City shall follow all applicable state statutes regarding notification and public hearings regarding consideration and adoption of the budget and tax levy. The council shall adopt the budget by resolution at the time specified by state statute.

**Subd. 4. Enforcement.**

It shall be the duty of the council to enforce strictly the provisions of the budget. It shall not approve any order upon the city for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the city shall place any orders or make any purchases except for the purposes and to the amount authorized in the budget.

**Subd. 5. Alterations.**

After the budget shall have been adopted, the council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues unless the actual receipts shall exceed such estimates and in that event not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein and no other. The council at any time, by a resolution passed by a four-fifths vote, may reduce salaries or the sums appropriated for any other purpose, or authorize the transfer of sums from unexpended balances to other purposes, provided, however, that no reserve necessary to meet incurred liabilities which will thereafter accrue shall be considered to be unexpended balance.

**Sec. 7.03. Levy and Collection of Taxes.**

On or before the date prescribed by state statute, the council by resolution shall levy the taxes necessary to meet the requirements of the budget for the ensuing fiscal year, subject to the limitations of this charter. The city clerk shall transmit to the county auditor annually, not later than the day prescribed by state statute, a statement of all taxes levied, and such taxes shall be collected, and the payment thereof be enforced, as provided by the statutes of the State of Minnesota. No tax shall be invalid by reason of any informality in the matter of levying the same, nor because the amount levied exceeds the amount required to be raised for the specific purpose for which the same was levied; but in such case, the surplus will go into the fund to which such tax belongs.

**Sec. 7.04. Board of Equalization.**

The city clerk and the council members shall constitute a board of equalization for the city. They shall meet and perform their duties as provided by law.



**Sec. 7.05. Borrowing.****Subd. 1. Bonded Indebtedness.**

All provisions of the statutes of the State of Minnesota authorizing the incurring of indebtedness and the issuance of bonds or other evidences of indebtedness and prescribing the procedure therefor, by cities of like power and degree as the City of Alexandria, whether operating under home rule charters or otherwise, are hereby referred to and made a part of this charter.

**Subd. 2. Debt Limit.**

The city shall not issue its bonds to an extent whereby its bonded indebtedness shall exceed the limits fixed by state law.

**Subd. 3. Emergency Debt Certificates.**

If in any year any calamity or other public emergency or unforeseen circumstances should subject the city to the necessity of making expenditures not provided for in the budget, then the council may authorize the issuance and sale of emergency debt certificates to run not to exceed one year and to bear interest at a rate in accordance with that authorized by state statutes. The full amount of such certificates

with interest to maturity shall be included in the next budget and tax levied therefor. The authorization of any issue of such certificate shall take the form of any ordinance approved by four-fifths of all the council members and such ordinance, if necessary, may be passed as an emergency ordinance.

**Sec. 7.06. Funds.**

The city shall keep a general fund, a utility fund, and such other funds that are required by this charter, or the ordinances of the city which will include, but shall not be limited to, bond, principal and interest, or sinking funds.

**Sec. 7.07. Contracts and Purchases.****Subd. 1. Bids Required When.**

In cases of work to be done by contract or in the purchase of property of any kind, where the amount involved is more than the amount authorized by state statute to be expended without securing competitive bids therefore, unless the council, by an emergency ordinance, shall otherwise provide, the city clerk shall procure bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only to the lowest responsible bidder. The council, however, may reject any and all bids. This section shall not apply to contract or purchases of the Board of Public Works as set forth in Section 10.03, Subd. 3.

**Subd. 2. Execution of Contracts.**

All contracts, municipal bonds, certificates of indebtedness, and all instruments of every kind to which the city shall be a party, shall be signed by the mayor and city clerk in behalf of the city, and shall be executed in the name of the city and shall have the corporate seal of the city thereto attached.

**Sec. 7.08. Accounting.****Subd. 1. Fiscal Year**

The fiscal year of the city shall end each year on the last day of December.

**Subd. 2. Accounts and Reports.**

The council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with law, this charter and the ordinances in accord with it. The city clerk shall submit to the council a statement each month showing the amount of money in the city treasury, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the city as the council may require. Once in each year and on or before the first regular meeting in March, the city clerk shall submit a report to the council covering the entire financial operations of the city for the past fiscal year. Such report shall be as complete in detail as said monthly reports and as complete as required by the city council and shall cover the entire past fiscal year. It shall also show the total outstanding bonds and debts of the city, the maturity of the same, the amount of bonds and other evidences of indebtedness issued during the past fiscal year and the amount redeemed during the same period. It shall also show the rate of interest of said bonds, or other evidence of indebtedness. It shall show the condition of all the annual budget allowances and contain an inventory of all the property owned by the city, and such other information as the council may require.

**Subd. 3. Annual Audit.**

The books of the city shall be audited regularly at least once each year by some reliable firm of certified public accountants employed by the city council, or by the Office of the State Auditor. In addition to reports furnished the city council, such certified public accountants shall furnish a condensed report covering their audit, and such condensed report shall be published once in the official city newspaper.

**ARTICLE VIII – PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS****Sec. 8.01 Power to Make.**

The City of Alexandria 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 for all such as are of a local character.

**Sec. 8.02. Amount of Assessments.**

The amount assessed to benefited property to pay for local improvements may equal the cost of the improvement with interest until paid.

**Sec. 8.03. Pending Improvements Continued.**

All improvements commenced prior to the adoption of this charter shall be continued and completed under and pursuant to the provisions of the charter or law under which such improvements were begun.

**Sec. 8.04. State Law Made Applicable.**

Except as herein otherwise provided, the statutes of the State of Minnesota governing, controlling and regulating the making of such public improvements of every type and character, and of special assessments therefor, and all provisions for certificates of indebtedness in connection therewith, and all future amendments thereto and supplements thereunto, shall apply, govern, control and regulate in the City of Alexandria.

**ARTICLE IX – EMINENT DOMAIN**

The City of Alexandria shall have and possess all the powers of eminent domain conferred upon any municipality by the statutes of the State of Minnesota, and shall exercise said powers in the form and manner prescribed and provided by said statutes.

**ARTICLE X – PUBLIC UTILITIES****Sec. 10.01. Powers of City.**

The city may construct or purchase its water, light, heat, power plant, sewage disposal system and plant, and other public utility systems, and may dispose of them whenever authorized to do so by a majority vote of the legal voters of the city voting upon that question.

The city may maintain, enlarge, extend, repair and operate the same. It may furnish service for all municipal purposes and may supply the same to the inhabitants of the city, and to such others as it may deem expedient.

**Sec. 10.02. Board of Public Utilities.****Subd. 1. Exclusive Management and Control.**

The Board of public Utilities established by Section 6.02 hereof shall be responsible for the management operation and control of such plants and systems.

**Subd. 2. Vacancies.**

Any member who is absent from board meetings for three successive months without leave of absence granted by the board or excuse satisfactory to the board, provided the member has been notified of such meetings, shall thereby forfeit board membership, and the office shall be declared vacant. Vacancies shall be filled by the council.

**Subd. 3. Organization.**

Said board shall, at its first meeting of each calendar year, appoint from its membership a chairperson, and such other officers as needed.

**Subd. 4. Duties.**

The Board of Public Utilities shall employ a general manager who shall: attend all meetings of the board; be responsible for maintaining the books and records of the board and the utility, including financial

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records and records verifying compliance in all areas of the utility; and do and perform such other duties incident to such employment as the board shall direct, or as this charter may further prescribe. In all such matters the general manager shall be under the sole control and direction of the board.

**Subd. 5. Employees.**

In addition to the general manager, the board shall employ such other personnel as will enable it properly to perform its duties under this charter and to successfully operate said public utilities system. The duties and compensation of its employees shall be approved by the board.

**Sec. 10.03. Powers of Board.****Subd. 1. Bylaws, Rules.**

Said board is hereby vested with full power to make and enforce such by-laws, rules and regulations as may be necessary to carry into effect the object and intent of this chapter and to cause all such by laws, rules and regulations to be entered in a book kept for that purpose and signed by the chairperson. All such books shall be open for inspection subject to the requirements of the Minnesota Government Data Practices Act.

**Subd.2. Right of Entry; Prosecution of Actions.**

Subject to any limitations imposed by law, the board's authorized representatives may enter upon any premises for the purpose of examining the same and making surveys, and may prosecute any action, in the name of the city, against any person, for the use of water, electricity, businesses communications and other utilities or for any injury to any of the property or entrusted to the utility's care or for the violation of the utility's rules and regulations governing the use of water, electricity business communications and other utilities, or the management of the utilities system.

The Board of Public Utilities shall have the necessary powers to restrain and prevent any and all injuries to said utilities or the unauthorized use of its products and services.

Said board is hereby authorized and required to restrain and prevent any and all waste of water, electricity, business communications and other utilities and may, when in its judgement necessary, shut off such utilities or take such other lawful action.

**Subd.3. Contracts.**

The board shall have authority to contract for equipment and construction of additional facilities without specific approval by the City Council where the cost incurred shall not exceed the sum authorized to be expended by the City of Alexandria pursuant to applicable State Statutes without first securing competitive bids. If the cost exceeds the amount authorized to be expended without securing competitive bids, it shall first be authorized by the board and City Council. In all cases of work to be done by contract or in the purchase of personal property or supplies, where the amount is more than the amount authorized to be expended in accordance with state statutes without competitive bidding, unless the City Council shall, by and emergency resolution otherwise provide, the council shall advertise for bids. Contracts of this magnitude shall be let to the lowest responsible bidder. The council may, however, reject any and all bids.

**Sec. 10.04. Duties of Board.****Subd. 1. Reports.**

The board shall annually, or as additionally requested by the council, render a full and complete report setting forth the condition of the utilities system, the improvements made and cost of same, and a detailed report of the earnings and expenses. All minutes of the board's proceedings at regular and special meetings shall be governed by the Minnesota Government Data Practices Act.

**Subd. 2. Insurance.**

The board shall maintain adequate insurance to safeguard the interest of the city.

**Subd. 3. Repair and Maintenance.**

The board shall cause the utilities to be maintained in good repair and working condition, and shall cause them to be continually operated in an efficient manner at a reasonable cost and from time to time shall cause to be made all needed repairs, renewals and replacements.

**Subd. 4. Distribution, Rates.**

Said board shall regulate the distribution and use of water, electricity, business communications and other utilities in all places and for all purposes where the same shall be required for either public or private use, and shall fix the price and rates therefor, provided that in case of hydrants for extinguishing fires and lights for the streets, public buildings and other public places, the board shall fix and locate the same as the council may direct; provided that said board shall not charge the city for such water, light, power or heat a higher rate than is charged to private parties. The city shall pay, out of the general fund to the account of the board at the price so fixed by the board, for all services to the city for public purposes. Said payments shall be made monthly or at such other intervals as are agreed upon by the board and the city council. The board shall pay to the city an annual Payment in Lieu of Taxes ("PILOT"). The amount of the PILOT shall be \$.0035 x kWh sold unless otherwise agreed by the board and the city council. Said board shall fix and maintain the rents and rates for power, water, light and such other facilities or plants as may be under its control so that income from such services of the city shall, in each fiscal year, be at least sufficient to defray the costs of the operation, maintenance and extension of such public service and to pay the interest and principal requirements on all bonds of the city which have been issued on account of the construction of such public services and to maintain a sinking fund by transferring annually into said fund not less than 5% of the gross revenues of the utility system. Said sinking fund to be used for the replacement and repairs of properties under the control of the board.

**Sec. 10.05. Certain Acts Prohibited.****Subd. 1. Extension of Service.**

No extensions of the water, electricity, business communications and other utilities of the city shall be made except when recommended by the Board of Public Utilities and authorized by the council.

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**Subd. 2. Sale of Public Utilities.**

No public utilities owned by the city, whether acquired prior to the adoption of this charter or thereafter, shall be sold or otherwise disposed of by the city, unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in an ordinance passed by a four-fifths vote of the council in the usual way, and submitted to the electors at a general or special election and approved by a two-thirds vote of the electors voting thereon.

**Subd. 3. Discrimination.**

Any member of the board, or any employee of the board who shall knowingly omit any person or property from a proper assessment for water or light rentals, or refuse to collect the same, or who shall discriminate in favor of any person, cooperation or property in regard thereto, shall be guilty of a misdemeanor and punished therefor as prescribed by the ordinance of the city; or in case the offense is not punishable under the ordinances of the city then as misdemeanors are punished under the criminal laws of the state.

**ARTICLE XI – FRANCHISES****Sec. 11.01. Defined.**

The word “franchise” as used in this charter shall be construed to mean any special privilege granted for the purpose of profit to any person or corporation, over, upon or under any of the streets, alleys or public places of the City of Alexandria, whether such privilege has been granted by the City of Alexandria or by or under the State of Minnesota.

It shall also be construed to mean the privilege granted to any person or corporation of furnishing for profit from any established plant, factory or works, to any person, corporation or to the public generally, any electricity or gas for lighting or heating purposes or motive power; any water through service pipes for general use or motive power; or any steam for heating purposes or motive power, whether such privilege has been or shall hereafter be granted by said city or by or under said state.

**Sec. 11.02. Ordinances Granting Franchise; Requirements.**

Every ordinance by which the Council shall propose to grant any franchise shall contain all the terms and conditions of the franchise and shall be adopted as all other ordinances in and for the City of Alexandria before such ordinance shall be enforced.

**Sec. 11.03. Regulation of Rates.**

Unless limited by state and federal law, the City shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city for the service rendered by it in the city, but such price shall be fair and reasonable to such corporation or person and to the public.

**Sec. 11.04. Reports Required.**

Every corporation or person exercising any franchise in the City of Alexandria shall file annually such reports and statements certified by such officer or agent of the corporation or person as may be required by the applicable franchising ordinance. Said statement shall be open to public inspection and if the owner of any such franchise refuses or neglects to file such report as herein provided by the applicable ordinance, the council may proceed by ordinance to cancel and revoke such franchise.

**ARTICLE XII – MISCELLANEOUS AND TRANSITORY PROVISIONS****Sec. 12.01. Official Publications.**

The council shall annually designate a legal newspaper of general circulation in the city as the official newspaper, in which shall be published such measures and matters as are by this charter and by the laws of this state required to be published, and such other matters as the council may deem it wise to have published.

**Sec. 12.02. City Officers, Favors or Contracts.**

No officers or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the treasury or by assessment levied by any act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void. Any violation of the provisions of this section shall be deemed a misdemeanor and shall disqualify the offender from continuing in office or in the employment of the city and shall be removed therefrom. The council shall enforce the provisions of this section by appropriate legislation.

**Sec. 12.03. 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 highway shall have been improved or not.

**Sec. 12.04. Sale of Real Property.**

No real property of the city shall be disposed of except by ordinance or resolution. The proceeds of any such sale 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; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a four-fifths vote designate some other public use for such proceeds.

**Sec. 12.05. Vacation of Streets.**

No street or alley within the city shall be discontinued except by resolution approved by a four-fifths vote of the council. A record of such vacation shall be made in the office of the Register of Deeds of the county.

**Sec. 12.06. Effect of Statutes.**

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

**Sec. 12.07. 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. 12.08. Ordinances to Make Charter Effective.**

The council is hereby empowered to, and it shall by ordinance or resolution, make such regulations as may be necessary to carry out and make effective the provisions of this amended charter. This amended charter shall become effective forthwith after the same has been duly adopted by a vote of the electors voting thereon, subject to the reasonable regulations of the council as aforesaid to carry out and make the same effective. The present city officials shall continue to hold office until their successors take office pursuant to this charter and the regulations which the council may adopt to carry out and make the same effective.



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