



## **CHARTER**

### **Chapter 1**

#### **Names, Boundaries, Powers, and General Provisions**

##### **Section 1.01 Names and Boundaries**

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

##### **Section 1.02 Change in Ward Boundaries**

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

##### **Section 1.03 Powers of the City**

The City shall have all powers which may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitutions of this state and of the United States. It is the intention of this Charter that every power which the people of the City of Red Wing might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this Charter, shall be deemed to have been so conferred by the provisions of this section. This Charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

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

##### **Section 1.04 Charter a Public Act**

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

## **Chapter 2** **Form of Government**

### **Section 2.01 Form of Government**

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

### **Section 2.02 Elective Officers**

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

### **Section 2.025 Transition Schedule**

The terms of Council Members elected at the November 2000 General Election are hereby reduced to two years and shall expire the first Tuesday after the first Monday in 2003. At the November 2002 election all seven Council seats shall be elected for either two or four year terms in accordance with this transition schedule, after which all terms shall be four years in accordance with Section 2.02. Terms of Council Members elected at the November 2002 general election to represent Ward 1 and Ward 2 and the combined Ward 3&4 seat, shall be two years expiring the first Tuesday after the first Monday in 2005 with their successors elected at the November 2004 general election. Terms of Council Members elected at the November 2002 general election to represent Ward 3, Ward 4 and the combined Ward 1&2 seat, shall be four years expiring the first Tuesday after the first Monday in 2007 with their successors elected at the November 2006 general election. The terms of the Mayor and the Council Member At Large are not modified by this Section.

### **Section 2.03 Qualifying**

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

### **Section 2.04 Boards**

The City Council may by ordinance establish or abolish any board or commission as it deems necessary for the operation of the City. The powers, duties, and responsibilities of such boards or commissions shall be fully set forth in said ordinance. Notwithstanding any other provision to the contrary, all funds and accounting of any board or commission must be handled by the City's financial officer and shall be deemed to be public funds of the City. Notwithstanding any other provision to the contrary, the administrative officer shall be an ex-officio member of all boards and commissions without the right to vote, make motions, or be counted for purposes of determining a quorum.

The Mayor, subject to confirmation by the Council, shall appoint all board and commission members who shall be residents of the City, unless specifically provided for under the provisions of this Charter or in the case of the Airport Board where non-residents may be appointed, provided such members are less than a majority of a quorum. The Council may provide by ordinance for advisory members who shall be members without the right to vote, make motions, or be counted for purposes of a quorum. Advisory members need not be residents of the City. Each board shall consist of not less than three (3) nor more than fifteen (15) members who shall each serve for a term of three (3) years. No board member, or advisory member, shall serve more than two (2) full consecutive terms,

provided any member serving their third term at the time of this Charter provision taking effect, may serve out the remainder of his/her term. These term limitations shall include but not be limited to the Port Authority Board.

### **Section 2.041 Public Library**

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

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

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

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

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

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

### **Section 2.05 Removal**

Every elected officer may be removed from this office by vote of two-thirds of the City Council, provided that such official shall not be removed except for cause, after having been furnished with a written statement of the reasons therefore and after being given a reasonable opportunity to be heard

in his/her defense. The City Council shall fix a date for a hearing on such charges not less than ten (10) days after notice to the accused officeholder and shall have authority to compel the attendance of witnesses and to request any necessary records and papers. In the event the office holder neglects to appear to answer the charges or the City Council finds that the charges are sustained and provide sufficient cause for removal, it may, by two-thirds vote, declare the office vacant. Nothing contained in this section shall preclude the Council from establishing by ordinance criteria whereby an elected official who is absent from a prescribed number of meetings is deemed to have resigned.

### **Section 2.06 Vacancies**

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

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

Procedure for resignations shall be as provided by State law. In the case of a vacancy, the Council shall by resolution, adopted within seven days of the vacancy, declare such vacancy to exist and shall proceed expeditiously as described herein, to fill the vacant seat. If a vacancy occurs in a year in which no regular City election is scheduled, or in an election year after the election has taken place, the vacancy shall be handled as follows:

A special election shall be held within 85 days of the resolution declaring the vacancy. The vacant seat shall remain vacant until the replacement elected at the special election qualifies and takes office. The elected replacement shall fill the unexpired part of the term of the person requiring replacement.

If a vacancy occurs in a year in which a regular City election is scheduled, the vacancy shall be handled as follows:

- 1) If the vacancy occurs January 1 through June 30, a special election shall be held within 85 days of the resolution declaring the vacancy. The vacant seat shall remain vacant until the replacement elected at the special election qualifies and takes office. The elected replacement shall fill the unexpired part of the term of the person requiring replacement.
- 2) If the vacancy occurs July 1 through August 1, a special election shall be held on the date of the City General Election, unless the term of the vacant seat is scheduled to expire that year, in which case no separate special election shall be held. The vacant seat shall remain vacant until the replacement elected at a special election qualifies and takes office. The replacement elected at the special election shall fill the unexpired part of the term of the person requiring replacement.
- 3) If the vacancy occurs after August 1, a special election shall be held within 85 days of the resolution declaring the vacancy, or 15 days after the City General Election, whichever is later. The vacant seat shall remain vacant until the replacement elected at the special election qualifies and takes office. The elected replacement shall fill the unexpired part of the term of the person requiring replacement. Provided, however, that no special election is required if the term of the vacant seat is scheduled to expire that year.

### **Section 2.07 Mayor**

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

### **Section 2.08 Acting Mayor**

In the event of a vacancy in the office of the Mayor or the Mayor's inability from illness, absence from the City, or other cause to perform the duties of the Mayor's office, the President of the Council, or if the Council President is also absent or incapacitated, the Vice President of the Council, and in the event of his/her absence or incapacity such other member of the City Council as it may designate, shall exercise the powers and perform the duties of the Mayor during such absence or disability. While so acting the Mayor shall be styled "Acting Mayor," and his/her acts in that capacity shall have the same force and effect as if performed by the Mayor.

### **Section 2.09 Investigation of City Affairs**

The Council or any officer or officers authorized by the Council shall have the power to make investigations into the City's affairs, administer oaths and compel the production of books and papers. The Council shall provide for an audit of the City's accounts at least once a year by the State Auditor or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City government, and it may cause to be made any surveyor research study of any subject of municipal concern.

## **Chapter 3** **General Administration**

### **Section 3.01 Departments and Offices of Administration**

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

The Council shall make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the City. Prior to the effective date of this Charter, the Council shall adopt, in the form of an ordinance, an Administrative Code, which shall provide, among other appropriate matters, for the organization and regulation of the departments, divisions and offices of administration. Provided, however, that this section shall not restrict the authority of the Council to delegate any such authority contained herein that it deems appropriate.

### **Section 3.02 Filing and Execution of Documents**

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

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

Council shall provide in the Administrative Code for the authority with reference to employment or discharge of all City employees, wages and salaries to be paid such employees, employee benefits, supervision and line of authority, and all other matters of regulation, control, and other contract provisions, subject to any Civil Service rules, now in effect for the City or adopted in the future by the City. Provided, however, that this section shall not restrict the authority of the Council to delegate any such authority contained herein that it deems appropriate.

### **Section 3.04 Purchase and Sale Contracts**

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

## **Chapter 4** **Elections**

### **Section 4.01 Conduct of Elections**

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

### **Section 4.02 General Election**

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

### **Section 4.03 Primary Election**

The City Primary Election shall be held on the first Tuesday after the second Monday in September of each year at such place or places as the Council may designate. The city clerical officer shall place upon the City Primary Election ballot, without party designation, the names of individuals whose candidacy has been filed. The two candidates receiving the highest number of votes for any single office shall be placed on the City General Election ballot as nominees for that office. When no more than two individuals file for nomination to any single office, their names shall not be placed upon the City Primary Election but shall be placed upon the City General Election ballot as the nominees for that office and no Primary Election for that particular office shall be held.

### **Section 4.04 Filing**

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

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

All Affidavits of Candidacy and Nominating Petitions must be filed no later than 4:30 pm on the day filings close. Any candidate may withdraw from the election by filing an Affidavit of Withdrawal with the city clerical officer by 12:00 noon on the day after the day filings close.

### **Section 4.05 Special Elections**

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

### **Section 4.06 Affidavit of Candidacy**

Any Affidavit of Candidacy or Nominating Petition to be valid must state the name of the office sought; shall state that the candidate is an eligible voter and is, or will be on assuming the office, twenty-one (21) years of age; has no other affidavit on file as a candidate for any office to be elected at the next ensuing City General Election or any other election to be held in conjunction therewith that would be deemed to be in conflict with the City office sought; will have maintained residence in the City if

seeking the office of Mayor or Council member-at-Large, in one of the two combined wards for the combined ward Council Member seats, or in the respective ward if seeking the office of Council Member from a ward for at least thirty (30) days before the City General Election; and include a statement that the candidate's name as written on the affidavit of Candidacy or Nominating Petition is the candidate's true name or the name by which the candidate is commonly and generally known within the City.

#### **Section 4.07 Forms**

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

## **Chapter 5** **City Council**

### **Section 5.01 Council and Quorum**

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

### **Section 5.02 Presiding Officers**

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

### **Section 5.03 Council Meetings**

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

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

### **Section 5.04 Rules of Procedure**

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

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

### **Section 5.05 Records**

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

### **Section 5.06 Ordinance, Resolutions, and Motions**

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

### **Section 5.07 Procedure on Ordinances**

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

### **Section 5.08 Emergency Ordinances**

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

### **Section 5.09 Procedure on Resolutions**

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

### **Section 5.10 Signing and Publication of Ordinances and Resolutions**

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

Prior to the publication of the title and summary the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. To the extent and in the manner provided by State law, an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code, or an ordinance or part thereof without publishing the material referred to in full. All ordinances and resolutions with the Affidavit of Publication shall be recorded by the clerical officer in a separate book. The record of any ordinance or resolution, or a duly certified copy of the record, shall be evidence of adoption passage, approval, and publication.

### **Section 5.11 Mayor's Veto of Ordinance, and Resolutions**

Within forty-eight (48) hours after adoption or as soon thereafter as is practical the clerical officer shall present each ordinance or resolution to the Mayor. If the Mayor approves, he/she shall sign the same. Otherwise the Mayor shall return the same to the clerical officer with his/her objections thereto. The vetoed ordinance or resolution shall be presented to the City Council at its next regular meeting thereafter. If, upon reconsideration, the City Council shall pass the same by two-thirds vote of the membership holding office it shall be in full effect without approval by the Mayor. If an ordinance or

resolution is not returned by the Mayor within five (5) days after it was presented to him/her, Saturdays, Sundays, and holidays excepted, it shall be in effect without approval.

The Mayor shall have only one hour after adoption of an emergency ordinance to approve and sign the same. Otherwise the Mayor shall immediately return the same to the City Council with his/her objections. The emergency ordinance shall then be immediately reconsidered by the City Council and if adopted again it shall be in effect without the approval of the Mayor.

### **Section 5.12 When Ordinances and Resolution Take Effect**

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

### **Section 5.13 Amendment and Repeal of Ordinances and Resolutions**

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

### **Section 5.14 Revision and Codification of Ordinances**

The City shall revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet, or continuously revised loose-leaf form, and copies shall be made available by the Council at the office of the clerical officer for general distribution to the public free or at a reasonable charge. Publication in such a code shall be a sufficient publication of the ordinance provision not previously published if a notice that copies of the codification are available at the office of the clerical officer is published in the official newspaper for at least two successive weeks.

### **Section 5.15 Acquiring and Selling Property**

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

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

### **Section 6.01 Powers Reserved by the People**

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

### **Section 6.02 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**

### **Section 6.03 Initiation of Measures**

Any five registered voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition, they shall file a verified copy of their proposed ordinance with the clerical officer together with their names and addresses as members of such committee. 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 therefor.

### **Section 6.04 Form of Petition and of Signature Papers**

The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and Affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least five percent (5 %) of the total number of registered voters. All signatures shall be gathered on forms prescribed by and available from the clerical officer.

### **Section 6.05 Filing of Petitions and Action Thereon**

All the signature papers shall be filed in the office of the clerical officer as one instrument. Within five (5) days after the filing of the petition, the clerical officer shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least five percent (5%) of the total number of registered voters. If he/she finds the petition insufficient or irregular, he/she shall immediately notify the committee of that fact, certifying the reasons for his/her finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the clerical officer shall file it in his/her office and shall notify 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.

### **Section 6.06 Action of Council on Petition**

When the petition is found to be sufficient, the clerical officer shall so certify to the Council at its next regular meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than thirty (30) days after the date upon which it was submitted to the Council by the clerical officer. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the committee, the proposed ordinance shall be submitted by the Council to the vote of the electors at the next regular municipal election; but if the number of signers of the petition is equal to at least ten percent (10%) of the total number of registered voters the

Council shall call a special election upon the measure. Such special election shall be held not less than forty-five (45) nor more than sixty (60) days from the date of final action on the ordinance by the Council; but if a regular election is to occur within three months, the Council may submit the ordinance at said election.

If the Council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City within ten (10) days of the adoption thereof by the Council, the ordinance need not be submitted to the electors.

### **Section 6.07 Initiative Ballots**

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

### **Section 6.08 Initiation of Charter Amendments**

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

## **Referendum**

### **Section 6.9 Initiation of Measures**

Any five (5) registered voters may form themselves into a committee for the purpose of bringing about a referendum on any ordinance adopted by the Council.

### **Section 6.10 Form of Petition and Signature Papers**

The petition for the referendum on an ordinance shall be in a form prescribed by and available from the clerical officer.

### **Section 6.11 Filing of Petition**

If prior to the date when an ordinance takes effect a petition signed by at least ten percent (10%) of the registered voters of the City is filed with the clerical officer requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into effect. The Council shall there upon reconsider the ordinance at its next regular meeting, and by roll-call vote either repeal it or re-affirm its adherence to the ordinance as passed. In the latter case the Council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended.

### **Section 6.12 Referendum Ballots**

The ballots used when voting upon any such referred ordinance shall state the substance of the ordinance and give the voters the opportunity to vote either "Yes" or "no" on the question of repeal. If a majority of the voters vote in favor of repeal, the ordinance shall not take effect. If, however, the majority vote against repeal, the ordinance shall take effect immediately or on the date therein specified.

## **Recall**

### **Section 6.13 The Recall**

Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. In the case of the Mayor and Council Member At Large, the committee may be composed of registered voters from any ward of the City. In the case of all other Council Members the committee shall consist of registered voters from the ward or wards in which said Council Member is elected. The committee shall certify to the clerical officer the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words, and their intention to bring about this recall. A copy of this certification shall be attached to each signature paper, and no signature paper shall be put into circulation previous to such certification.

### **Section 6.14 Recall Petitions**

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

### **Section 6.15 Filing of Petition**

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

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

### **Section 6.16 Recall Election**

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

### **Section 6.17 Procedure at Recall Election**

The clerical officer shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the officer concerned in justification of his/her course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

### **Section 6.18 Recall Ballot**

Unless the officer whose removal is sought resigns within ten (10) days after the receipt by the Council of the completed recall petition, the recall ballot shall contain two separate questions. The first

question shall be a "yes" or "no" question on there call of the elected officer. The second question shall be an alternative question containing the names of the candidates to fill the vacancy in the event the recall is successful. If a majority voting on the question of recall vote in favor, the officer shall be immediately removed from office upon certification of the election results and the candidate receiving a majority of the votes for filling the vacancy shall be elected to fill said vacancy. In the event no candidate receives a majority of votes, the top two vote getters shall be nominated to a "run-off" election to be conducted within forty-five (45) days of certification of such results. The "run-off" election maybe held in conjunction with a regular municipal election provided one is scheduled to occur no less than forty-five (45) days nor more than sixty (60) days after said results are certified. In the event the officer resigns within ten (10) days after the receipt by the Council of the completed recall petition the vacancy shall be handled in the manner provided for in this Charter irrespective of any recall activities which were initiated prior to said vacancy occurring.

## **Chapter 7** **Taxation and Finances**

### **Section 7.01 Council to Control Finances**

The Council shall have full authority over the financial affairs of the City and shall provide for the collection of all revenue and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

### **Section 7.02 Fiscal Year**

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

### **Section 7.03 Taxation**

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

### **Section 7.04 Board of Equalization**

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

### **Section 7.05 Budget Estimates**

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

### **Section 7.06 Budget Preparation**

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

### **Section 7.07 Budget Approval**

Adoption of the budget and budget hearing dates shall comply with the budget calendar. The budget estimates shall be presented at the hearings, and the administrative officer shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally adopted shall be the complete financial plan of the City for the ensuing fiscal year. The Council shall adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with law. At the beginning of the fiscal year the sums fixed in the budget resolution shall then be appropriated for the several purposes named in the budget resolution and no other. In the event the entire budget or any item thereof is vetoed by the Mayor, it may be passed by a 2/3 vote in the manner provided in this Charter for vetoed ordinances or resolutions.

### **Section 7.08 Budget Enforcement**

It shall be the duty of the administrative officer to enforce the provisions of the budget. No approval shall be made of any order placed upon the City treasury for any expenditure covered by budget resolution, unless there is sufficient unexpended balance or anticipated revenue available for it. Any

obligation incurred by any person in the employ of the City for any purpose not authorized in the budget resolution or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

### **Section 7.09 Budget Alterations**

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

### **Section 7.10 Budget Emergency Appropriation**

The Council may include an emergency appropriation as a part of the budget but not to exceed five (5 %) in aggregate of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a majority vote of the Council and shall be used only for the purpose designated by the Council.

### **Section 7.11 Funds**

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

### **Section 7.12 Disbursements. How made.**

No money shall be paid out of the City treasury except in compliance with procedure approved by the City Council or the board or commission charged with the management of the fund and signed by the officer designated by such managing body. Disbursement shall be made by check attested by the financial officer. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll or time-sheet approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The Council may by ordinance make further regulations for the safekeeping and disbursement of funds.

### **Section 7.13 Accounts and Reports**

The financial officer shall be responsible for all of the accounts of the City. The Council may prescribe and enforce proper accounting and monthly reporting methods, forms, blanks, and other devices consistent with the law, this Charter, and ordinances adopted in accord therewith. On or before the last day of March the administrative officer and financial officer shall submit a report to the Council covering the entire financial operation of the City for the past year. The report shall show all operations and conditions in a manner consistent with the accounting method of the City, and shall include such further information as the administrative and financial officers deem advisable or the Council requires.

### **Section 7.14 City Indebtedness**

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

### **Section 7.15 Tax Anticipation Certificates**

At any time after January 1 following the adoption of the annual tax levy, the Council by a vote of two-thirds of all members and under such regulations and terms as it may prescribe may issue certificates

of indebtedness in anticipation of taxes levied for any fund and not yet collected. Such certificates shall become due and payable not later than the first day of April of the year following their issuance. The total amount of such certificates shall not exceed one-third of the anticipated taxes or other revenues. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued, and the full faith and credit of the City, shall be pledged for the redemption of the certificates in the order of their issuance against the fund.

### **Section 7.16 Emergency Debt Certificates**

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

### **Section 7.17 Bank Loans**

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

### **Section 7.18 Capital Improvement Program**

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

### **Section 7.19 Endowment Fund Investments**

The City and its agencies are authorized to create endowment funds to provide for future financing of operations. Endowment funds may be established under City control or in private non-profit foundations. Any endowment fund must be approved by resolution of the City Council adopted by an affirmative vote of 2/3 of the entire City Council. The City Council shall receive an annual report from each endowment fund showing the principal, income, and any payouts.

## **Chapter 8** **Public Improvements**

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

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

### **Section 8.02 Vacation of Streets by City Council**

Upon the presentation and filing of a verified petition signed by or on behalf of any or all owners, natural or corporate, of any real estate abutting thereon, or upon its own motion, the Council may by resolution approved by at least five (5) Council Members vacate any street or alley or part thereof within the City. No vacation shall be made unless it appears in the interest of the public to do so after a public hearing preceded by ten (10) days published notice. The public hearing must afford a reasonable opportunity for affected property owners and the public to be heard. After such resolution is adopted, the clerical officer shall file a certified copy of the resolution in the office of the County Auditor and in the office of the County Recorder. Any failure to file said certified copy of the resolution shall not invalidate any such vacation proceedings.

### **Section 8.03 Not to Interfere with Special Improvements**

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

### **Section 8.04 Power to Make Improvements and Levy Assessments**

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

### **Section 8.05 Procedure for Making Improvement and Levying Assessments**

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

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

## **Chapter 9**

### **Miscellaneous Provisions**

#### **Section 9.01 Official Publications**

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

#### **Section 9.02 Contracts**

All contracts entered into on behalf of the City shall be approved by the Council, signed by the Mayor, and attested by the administrative officer and the clerical officer; provided, that an ordinance establishing any board or commission may authorize the officers of said board to enter into valid contracts relating to its affairs. All contracts shall be let in accordance with applicable State law and requirements thereof for bidding, quotations, or directly negotiated purchases.

#### **Section 9.03 City Officers Not to be Interested in Contracts**

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

#### **Section 9.04 Existing Ordinances Continued**

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

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

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

#### **Section 9.06 Continuance in Office**

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

#### **Section 9.07 Pending Condemnations and Assessments**

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

#### **Section 9.08 Ordinances to make Charter Effective**

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

#### **Section 9.09 Franchises**

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the City. All franchises shall be granted by ordinance or shall be granted in accordance with an ordinance establishing the contents of said franchise. A public hearing shall be conducted on the granting of any franchise. No franchise shall be granted for a period of more than 25 years, nor shall any exclusive

franchise be granted. All franchise renewal or modifications, including existing franchises, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

### **Section 9.10 Redistricting**

Within 30 days of receipt of the final Federal Census, the clerical officer shall make an examination of the population of the City wards; and if the population in any one ward exceeds the population in any other ward by ten percent (10%) of the smallest of the wards it shall be the duty of the clerical officer to notify the Council thereof.

After receiving such notification from the clerical officer it shall be the mandatory duty of the City Council to redistrict the City by ordinance within six (6) months of completion of redistricting by the legislature. Every ward shall consist of contiguous territory and contain as nearly as possible one-fourth of the population of the City and in no event shall the largest populated ward exceed the smallest populated ward by more than ten percent (10%) of said smallest ward. Whenever possible, ward lines shall follow the center line of streets, avenues, alleys, and boulevards. Ward lines shall not divide then existing residences or platted blocks. If in any such redistricting, the residence of any ward or combined ward Council Member is placed outside of the enumerated ward or wards from which he/she was elected, the office shall not be deemed vacant on that account; and he/she shall continue to serve out the term for which he/she was elected, but he/she shall be ineligible to run for reelection to said office while continuing to reside outside of said ward or wards.