

City of Mounds View

CITY CHARTER



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Mounds View City Charter

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CITY OF MOUNDS VIEW CITY CHARTER

CHAPTER 1

NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01. Name and Boundaries. The City of Mounds View, Ramsey County, Minnesota shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established. The City Administrator shall keep at least two copies of this Charter with amendments, and shall maintain in each copy an accurate up-to-date description of the boundaries. The copies of the Charter, amendments, and boundary descriptions shall be available for public inspection anytime during regular office hours.

Section 1.02. Powers of the City. The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with this Charter and with the Constitution of this state and of the United States. It is the intention of this Charter to confer upon the City every power which it would have if it were specifically mentioned, unless otherwise provided in this Charter. The Charter shall be construed liberally in favor of the City, and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the City to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

Section 1.03. Charter a Public Act. This Charter shall be a public act and need not be pleaded or proved in any case.

CHAPTER 2

FORM OF GOVERNMENT

Section 2.01. Form of Government. The form of government established by this Charter is the "Mayor-Council Plan". Except as otherwise provided by state law or this Charter, all powers of the City are vested in the Council.

Section 2.02. Boards and Commissions. There shall be no separate administrative Board of Health, Library Board, or any other administrative board or commission except for the administration of a function jointly with another political subdivision. The Council shall itself be and perform the duties and exercise the powers of such boards and commissions provided by state law. The Council may, however, establish by Ordinance Boards or commissions to advise the Council with respect to any municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions.

Section 2.03. Council Composition and Election. The Council shall be composed of a Mayor and four Councilmembers who shall be qualified electors and who shall be elected at large. Councilmembers shall serve for a term of four years and/or until a successor is elected and qualifies. The Mayor shall serve for a term of two years and/or until a successor is elected and qualifies.

Section 2.04. Incompatible Offices. No member of the Council shall hold any municipal office or employment through the City other than that to which elected. Further, until one year after the expiration of member's term, no Mayor or Councilmember shall be appointed or employed by the City in a compensated position which was created, or the compensation for which was increased, during member's term as Mayor or Councilmember.

Section 2.05. Vacancies. A vacancy in the Council, whether it be in the office of Mayor or Councilmember, shall be deemed to exist in case of the failure of any person elected thereto to qualify, or by reason of the death, resignation in writing filed with the City Administrator, removal from office, non-residence in the City, conviction of a felony of any such person after their election, or by reason of the failure of any Councilmember without good cause to attend Council meetings for a period of three consecutive months. In each such case the Council shall by resolution declare the vacancy to exist.

Section 2.06. The Mayor's Power and Duties.

Subdivision 1. Subdivision 1. The Mayor shall preside at meetings of the Council and shall have a vote as a member. The Mayor shall be recognized as head of the City Government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for purposes of martial law. Other than for the purposes specifically stated in this paragraph, as an individual, the Mayor shall have no administrative authority. (Amended by Ordinance 742, Adopted September 27, 2004; Filed: October 6, 2004.)

Subdivision 2. Consistent with the responsibility to accept considerable leadership over the general conduct of City affairs, the Mayor may study the operations of the City Government and recommend desirable changes and improvements to the Council. The Mayor shall also deliver messages to the Council and the public, including a comprehensive message on the state of the City as soon as practicable after the beginning of each year of the Mayor's term of office.

Subdivision 3. At its first meeting each year the Council shall choose an acting Mayor from the Councilmembers. The acting Mayor shall perform the duties of Mayor during the disability or absence of the Mayor, or, in case of vacancy in the office of Mayor, until a successor has been appointed and qualifies.

Section 2.07. Salaries. The Mayor and Councilmembers shall receive such compensation as is fixed by the Council in accordance with state law. Any increases in such compensation shall not become effective until after the next municipal election. Other officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

Section 2.08. Investigation of City Affairs. The Council may make investigations into the affairs of the City and the conduct of any City department, office or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The Council shall provide for an audit of the City's accounts at least once a year by the state department in charge of such work or by a certified public accountant. At any time the Council may provide for an examination or audit of the City accounts of any City officer or agency, and it may provide for any survey or research study of any subject of municipal concern.

CHAPTER 3

COUNCIL PROCEDURE

Section 3.01. Council Meetings. The Council shall meet regularly at least twice each month at such times and places as the Council may designate by ordinance. The Mayor or any two members of the Council may call special meetings of the Council upon at least twenty-four hours notice to each member, and such reasonable public notice as may be prescribed by Council rule in compliance with the laws of Minnesota. The twenty-four hours notice shall not be required in an emergency. To the extent provided by law, all meetings of the Council and its committees shall be public, and any citizen shall have access to the minutes and records of the Council at all reasonable times. During any of its public meetings, the Council shall not prohibit, but may place reasonable restrictions upon citizen's comments and questions.

Section 3.02. Liaison Function. Councilmembers shall be assigned as liaison to City departments. Their assignments shall be rotated periodically and shall involve no administrative responsibility.

Section 3.03. Rules of Procedure and Quorum. Except as otherwise provided in this Charter, the Council shall determine its own rules and order of business. A majority of all members shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by rule provide means by which a minority may compel the attendance of absent members in accordance with state law.

Section 3.04. Ordinances, Resolutions and Motions.

Subdivision 1. Except as otherwise provided in this Charter, state law or a more restrictive City ordinance, an affirmative vote of three or more members of the Council shall be required for the adoption of all ordinances, resolutions and motions. The votes of Councilmembers on any action taken shall be recorded in accordance with state law. (Amended, Ord. 649, 8-16-2000)

Subdivision 2. Except as otherwise provided in this Charter, all legislation shall be by ordinance. The vote on all ordinances shall be by a roll call vote.

Subdivision 3. The general administrative business of the Council shall be conducted by resolution or motion.

Section 3.05. Procedure on Ordinances. Every proposed ordinance shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent of the Council. No ordinance shall contain more than one subject. Such subject shall be clearly expressed in its title. The enacting clause shall be "The City of Mounds View ordains". No ordinance, except an emergency ordinance, shall be adopted at the meeting at which it is introduced and at least fourteen (14) calendar days shall elapse between its introduction and final adoption. Every ordinance must contain a specified effective date as noted in Section 3.09 of this Charter. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 3.06. Emergency Ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare, in which ordinance the emergency is defined and declared in a preamble thereto. An emergency ordinance must be approved by a majority of available members of the City Council. An emergency ordinance must be in writing but may be enacted without previous filing or voting, and may be adopted finally at the meeting at which it is first introduced and voted upon by the Council. An emergency ordinance shall remain in effect for the duration of the emergency. No prosecution shall be based upon the provisions of an emergency ordinance until twenty-four hours after the ordinance has been adopted, filed with the City Administrator, and has either been posted in three conspicuous places in the City, or published as provided for in this Charter, or the person charged with violation thereof had actual notice of the ordinance prior to the act or omission resulting in the prosecution.

Section 3.07. Signing, and Publication of Ordinances. Every ordinance adopted by the Council shall be signed by the Mayor, and attested to, filed and preserved by the City Administrator. Every ordinance shall be published at least once in the official newspaper no earlier than eight (8) calendar days nor later than seventeen (17) calendar days from the date of passage, either in its complete form preceded by a summary of its contents or as a title and summary.¹ (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

The Ordinance or the Ordinance Title and Summary shall be published in a body type no smaller than brevier or eight-point type. A copy of any new ordinance may be obtained from the City at no cost. The entire text of the ordinance shall be posted on the City's web site, if there is one, in a manner that can be identifiable by subject matter or ordinance number. A copy shall also be available in the community library, if there is one, or if not, in any other public location which the Council designates.

In the case of lengthy ordinances, or ordinances that include charts or maps, if the 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 a four-fifths vote of its members, direct that only the title of the ordinance and a summary be published, with notice that a printed copy of the ordinance is available for inspection during regular office hours at the office of the City Administrator. 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, and shall further state that the complete text of the ordinance is on file at the office of the City Administrator. 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. A copy of the publication shall be attached to and filed with the ordinance for reference. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or a regulation, a code or ordinance or part thereof without publishing the material referred to in full, so long as the complete reference to the item is included. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 3.08. Procedure on Resolutions. Every resolution shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent of the Council.

¹ It is the intent of the Charter Commission that the Council will determine which is less costly.

Section 3.09. When Ordinances and Resolutions Take Effect. Every resolution and emergency ordinance shall take effect immediately upon its adoption or at such later date as it specifies. Every other ordinance shall take effect thirty (30) calendar days after its publication or at such later date as it specifies unless challenged by a petition for referendum that is not deemed to be frivolous by the Council. In the event of a petition for referendum that is not deemed to be frivolous, the Council must suspend the effective date of the ordinance as specified in Section 5.07 of this Charter. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 3.10. Amendment and Repeal of Ordinances and Resolutions.

Subdivision 1. An ordinance or resolution which repeals all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution shall be amended by reference to the title alone, but an ordinance or resolution which amends such ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added. Amendment or repeal of an ordinance shall require a majority vote of all the members of the Council, unless otherwise provided in this Charter or by state law.

Subdivision 2. An ordinance or resolution passed under the initiative power shall not be repealed or amended by the Council except by submission to the voters of the question by the Council at a regular municipal or special election.

Section 3.11. Review and Revision of Ordinances and Indexing of Resolutions. The City shall review, revise and rearrange its ordinance code and its resolution index with such additions and deletions as may be deemed necessary by the Council at least once every two years. The ordinance code and the resolution index may be published in book, pamphlet, or loose-leaf form, and copies shall be made available by the Council at the office of the City Administrator for general distribution to the public for a reasonable charge. Incorporation in such a code shall be a sufficient publication of any ordinance provision not previously published, if a notice is placed in the official newspaper for at least two successive weeks that copies of the codification are available at the office of the City Administrator.

CHAPTER 4

NOMINATION AND ELECTIONS

Section 4.01. The Regular Municipal Election. A regular municipal election shall be held on the first Tuesday after the first-Monday in November of each even numbered year commencing in 1980 at such places as the City Council shall designate. At least fifteen days prior notice shall be given by the City Administrator by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the City stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this Charter shall assume the duties of office to which they were elected on the first business day in January following such election.

Section 4.02. Filing for Office.

Subdivision 1. Pursuant to Minnesota Statute 205.13, subd. 1a, as amended, an affidavit of candidacy for a city office must be filed within the time frame specified and in accordance with the Statute with the exception that the fee portion of the Statute shall be superseded by the following: Any resident of the City qualified under state law for elective office may, by filing an affidavit and by paying a filing fee of \$20 or by filing a petition in compliance with MN Statute 205.13, subd. 4, as amended, to the City Administrator, have their name placed on the municipal election ballot. (Amended by Ordinance 736, Adopted May 10, 2004, Filed May 19, 2004; Amended by Ord. 759, Adopted June 13, 2005, Filed June 22, 2005; Amended by Ord. 878, Adopted Feb 11, 2013, Effective May 12, 2013.)

Subdivision 2.* Term Limits. Notwithstanding any other provision of law to the contrary, no person may file to be a candidate for election to a term that would cause the person to serve more than eight total years in the office of Mayor or in the office of City Councilmember combined. (11-8-94 Election, Effective 12-8-94, Filed 2-21-95)

- * A city charter provision limiting the term of an elected city official is unconstitutional and unenforceable. See, Minneapolis Term Limits Coalition v. Keefe, 535 N.W.2d 306 (Minn.1995) (Resolution 5435, 4-24-2000)

Subdivision 3. Service before January 1, 1995 shall not count toward determining total length of service. (11-8-94 Election, Effective 12-8-94, Filed 2-21-95)

Subdivision 4. Severability. If any part of this section shall be declared unconstitutional by court, all others shall remain in full force and effect. (11-8-94 Election, Effective 12-8-94, Filed 2-21-95)

Section 4.03. Procedure at Elections. Consistent with the provisions of this Charter and applicable state laws, the Council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

Section 4.04. Special and Advisory Elections except for Elected Office. The Council shall by resolution order a special or advisory election and provide all means for holding it. At least fifteen days prior notice shall be given by the City Administrator by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the City stating the time and places of holding such election. Failure to give such notice shall not invalidate such election.

Section 4.05. Vacancy of Municipal Elected Office.

Subdivision 1. When a vacancy in an elected office of the City occurs with 365 days or more remaining in the term of the vacated office, there shall be a special election held within ninety days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated.

Subdivision 2. The City Administrator shall give at least sixty days published prior notice of such special election, except as set forth under Subdivision 5 of this section.

Subdivision 3. The procedure at such election and assumption of duties of elected officers following such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Subdivision 4. In the case of a vacancy where there remains less than 365 days in the unexpired term, the Council shall by a majority vote appoint a successor to serve for the remainder of said term. In the case of a tie vote of the Council, the Mayor shall make said appointment.

Subdivision 5. When a vacancy in an elected municipal office occurs within 120 days prior to a regular municipal election date, the special election to fill the vacancy shall coincide with the regular election. If the vacancy occurs within sixty days prior to the regular election date, the notice of such vacancy shall be published as soon as is practicable. If within the 120 day period before a regular municipal election, the vacancy occurs in the office of the Mayor or in the office of either or both of the Councilmembers whose seats are to be decided in the election, said vacancy shall be considered not to exist for purposes of the election. However, if such vacancy occurs in the office of either of the other two Councilmembers, the seat shall be filled by the candidate for Councilmember with the third highest vote total, or, in the case of two vacancies, the third and fourth highest vote totals. Where two vacancies exist, the candidate with the third highest total shall fill the vacancy in the office having the longest unexpired term. Candidates filing a vacancy shall take office at or before the next regularly scheduled Council meeting following election certification. (Amended by Ordinance 748; Adopted September 27, 2004; Filed October 13, 2004).

Subdivision 6. If there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the City Council shall fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the Council, the Mayor shall make said appointment.

CHAPTER 5

INITIATIVE, REFERENDUM AND RECALL

Section 5.01. General Voter Authority*. The people of Mounds View, have the right in accordance with this Charter, to propose ordinances (initiative) and to require that any ordinance be referred to the voters (referendum), except those that appropriate money, levy taxes or deal with administrative issues (MN Statute 410.20, as amended). The voters also have the right to remove elected public officials (recall). The term voter(s), as used in Chapter 5, shall refer only to residents of the Mounds View who first register, or who have registered and are qualified to vote. Per Minnesota Statute 200.039, as amended, eligibility to sign the petition is not restricted to only those who were eligible to or did cast ballots in the previous election. For clarity flow charts and time lines are attached as appendices at the end of this Charter. In all cases, the Charter text shall take priority over the appendices should there appear to be a discrepancy. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 5.02. Petitions. A petition provided for under this chapter shall be sponsored by a committee of five (5) to ten (10) members who are voters of the City and whose names and addresses must appear on the petition as the Sponsoring Committee. A completed petition consists of one or more pages gathered together as a single document. Each separately circulated page shall contain at its head, or attached thereto, the information specified in sections 5.05, 5.07 or 5.08 which apply, respectfully, to initiative, referendum and recall. The Sponsoring Committee may obtain a sample petition from the City Administrator. The City Administrator shall provide the number of signatures for petition sufficiency which is based on the total number of ballots cast for President in the most recent Presidential election. All petition circulators must be voters of the City. Each separate page of the petition must include a certificate signed and dated by the circulator. The certificate shall affirm that each circulator believes the page to contain the genuine signatures of the voters whose names they purport to be and that each signer was presented with the full petition. Each signer of a petition must be a voter of the City and must sign and print their name and give their street address. The completed petition shall be submitted to the City Administrator for review. Any voter whose name appears on a petition may withdraw their name by filing a statement in writing with the City Administrator before the City Administrator advises the Council of the information related to the sufficiency of the petition or, if such completed petition is deemed insufficient pursuant to this Charter, during any time period that additional signature papers are being circulated by the Sponsoring Committee or reviewed by the City Administrator pursuant to Section 5.04. Consistent with the provisions of this Charter and the applicable state laws and rules, the Council may prescribe by ordinance or resolution, the definition of a frivolous petition. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 5.03. Determination of Petition Sufficiency. For a petition to be sufficient, it must meet the requirements set forth in section 5.02 and contain at least the following:

- Petitions for Initiative and Referendum require signatures numbering at least fifteen (15) percent of the total ballots cast for President in the most recent Presidential election.
- Petitions for Recall require signatures at least twenty five (25) percent of the total ballots cast for President in the most recent Presidential election.

If all requirements have been met, the City Administrator shall report to the Council within ten (10) calendar days of receipt of the completed petition. Thereafter, the Council shall immediately declare the sufficiency of the petition by resolution. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 5.04. Disposition of Insufficient or Frivolous Petition. If the petition appears to be frivolous, the City Administrator shall report to the Council within ten (10) calendar days of receipt of the petition. If the Council determines the petition is frivolous, the Council shall direct the City Administrator to file the petition as frivolous and no further action shall be taken. If the City Administrator determines that the petition does not meet the requirements for sufficiency and is not determined to be frivolous, a copy of the petition, together with a written statement of its defects, shall be delivered to the Sponsoring Committee and to the Council within ten (10) calendar days of receipt of the completed petition. As specified in this Charter, the Sponsoring Committee shall have a twenty-one (21) calendar days to file additional signature papers and/or to correct the specified insufficiency. Within nine (9) calendar days of receipt of the corrected completed petition, the City Administrator shall determine whether the petition as corrected meets the requirements for sufficiency and shall proceed as directed in Section 5.03. If the petition is still insufficient, the Council shall direct the City Administrator to file the petition as insufficient and notify the Sponsoring Committee within ten (10) calendar days that no further action will be taken. The final finding that the petition is insufficient shall not prejudice the filing of a new petition for the same purpose unless otherwise specified within this Charter. Except in the case of a petition for recall, it shall not prevent the Council from referring the subject matter of the petition to the voters at the next regular or special election. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 5.05. Ballot Measure Requirements. If a measure meets the requirements to be put on a ballot and is in compliance with Chapter 4 of this Charter, at or before its next regularly scheduled meeting, the Council shall pass a resolution placing the measure on a ballot. If it is within one hundred twenty (120) calendar days of a primary or general election and all of the county election requirements can be met, the measure shall be placed on the ballot at the next regularly scheduled election. If a measure meets the requirements to be put on a ballot but cannot be placed on the ballot at a regularly scheduled election, at or before its next regularly scheduled meeting, the Council shall pass a resolution placing the measure on the ballot and calling for a special election to be held within one hundred twenty (120) calendar days of said meeting. However, no special elections can be held between a regular primary election and a regular general election or forty (40) calendar days after a regular general election. If there is no regular primary election then no special election shall be held within sixty (60) calendar days prior to a regular general election. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 5.06. Initiative*. An ordinance may be proposed by petition. The exact text of the proposed ordinance must be stated at the head of each page of the petition or attached thereto. The petition shall be filed in the City Administrator's office prior to circulation and shall be valid for one hundred eighty (180) calendar days during which time a completed petition with signatures must be filed. If a petition for initiative is determined to be frivolous, it is prohibited from being repeated within one hundred eighty (180) calendar days of the determination. Within sixty (60) calendar days after final determination of the petition's sufficiency according to Section 5.03 and 5.04 of this Charter, the Council must either adopt an ordinance according to Subdivisions 1 or 2 or pass a resolution to place the measure on a ballot as provided in Subdivision 3. Any amendment to the proposed ordinance must proceed according to Subdivision 2 of this section. If an ordinance is adopted, it shall become effective thirty (30) calendar days after publication unless the ordinance specifies a later effective date. If the vote for adoption fails, the ordinance must be placed on the ballot as provided in Section 5.05. If a ballot measure for a proposed ordinance fails the same measure is prohibited from being brought forward again as an initiative within one hundred eighty (180) calendar days of the election certification. Failure of a ballot measure for a proposed ordinance shall not prevent the Council from proposing a similar ordinance. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Subdivision 1. If the Council elects to adopt the ordinance as provided by the petition without amendment, they shall proceed in accordance with Section 3.05 of this Charter. During this adoption process, the ordinance cannot be amended but, if adopted, is subject to the referendum process as defined in Section 5.07. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Subdivision 2. If an amendment to the ordinance is proposed by a majority vote of the Council, it must be presented to the Sponsoring Committee prior to the first reading of the proposed ordinance. The Sponsoring Committee shall have fourteen (14) calendar days from the receipt of the amended proposed ordinance to disapprove the amendment by majority vote, and file a statement with the City Administrator. Upon receipt of a statement of disapproval from the Sponsoring Committee, the Council must either adopt the proposed ordinance, according to Subdivision 1 of this section, or place the ordinance, as presented by the Sponsoring Committee, on the ballot as provided in Section 5.05. If the Sponsoring Committee does not submit a statement of disapproval, the ordinance can proceed, as amended, according to Section 3.05 with no further amendments and, if adopted, is subject to the referendum process as defined in Section 5.07 of this Charter. If the vote for adoption fails, the ordinance, as amended, must be placed on the ballot as provided in Section 5.05. If an amended ordinance is approved at a first reading, the Council may choose to submit the ordinance, as amended, as a ballot measure. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Subdivision 3. If the ordinance is required to be put on a ballot, or if the Council chooses to submit the ordinance as presented as a ballot measure, they shall proceed as provided for in Section 5.05 of this Charter. If a majority of those voting on the ordinance vote in its favor, it shall become effective thirty (30) calendar days after adoption certification of the election results unless the ordinance specifies a later effective date. If the majority does not vote in favor, the ordinance shall not be enacted. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 5.07. Referendum*. Prior to the date when an ordinance takes effect, it may be subjected to a referendum by a petition which shall state at the head of each page, or attached thereto, the exact text of the measure to be considered by the voters. The Sponsoring Committee must file the completed petition in the office of the City Administrator at least ten (10) calendar days before the ordinance takes effect. If a petition is determined to be frivolous, no further action on the petition shall be taken and the adoption of the ordinance shall proceed according to Section 3.05. If the petition is found to be sufficient under the provisions of Section 5.03 of this chapter, the Council must immediately adopt a resolution suspending the effective date of the ordinance until it is decided by a vote of the public. The Council must also immediately pass a resolution to place the measure on a ballot as provided in Section 5.05 of this Charter. If a majority of the voters favors the ordinance contained in the petition, it shall take effect immediately unless the ordinance specifies a later date. If a majority votes against the ordinance contained in the petition, it shall be considered repealed upon certification of the election results. If the petition does not meet the requirements of sufficiency under the provisions in Section 5.03 of this chapter and is determined not to be frivolous, the Council must adopt a resolution suspending the effective date of the ordinance for thirty (30) calendar days and the Sponsoring Committee will have twenty-one (21) calendar days in which to file additional signature papers and/or to correct the specified insufficiency according to Section 5.04. If the final finding is that the petition is insufficient, the ordinance shall take effect on the date declared by the resolution of suspension. If the corrected petition is declared sufficient according to Section 5.03, the Council must pass a resolution suspending the effective date of the ordinance until it can be decided by a vote of the public and proceed as previously mentioned in this section. (Amended by Ordinance 790, Adopted July 23, 2007; Filed: August 29, 2007.)

Section 5.08. Recall. The voters of the City may request a recall vote of any elected official of the City by petition. The petition shall state at the head of each page, or attached thereto, a certificate stating the name of the official whose removal is sought, the grounds for recall, which shall be malfeasance or misfeasance in office, in not more than two hundred fifty (250) words, and the intention of the Sponsoring Committee to bring about the official's recall. The petition shall be filed in the City Administrator's office prior to circulation and shall be valid for one hundred eighty (180) calendar days during which time a completed petition with signatures must be filed.

The City Administrator shall notify the official sought to be recalled of the petition and proceed as provided in Section 5.03 and 5.04 of this Charter. If a petition for recall is determined to be frivolous, it is prohibited from being repeated within one year of the determination. If the Council declares the petition sufficient, it shall immediately pass a resolution to place the measure on a ballot as provided for in Section 5.05 of this charter. Within fourteen (14) calendar days of the declaration of sufficiency, the elected official named by the petition may provide a response for their own course of action in not more than five hundred (500) words. The City Administrator shall include with the published notice of the election, the statement of the grounds for the recall and the response of the official concerned or a statement stating no response was received. If a majority of those voting on the recall vote in its favor, it shall become effective immediately upon certification of the election results. If the majority does not vote in favor, the recall has failed and a petition for recall is prohibited from being repeated for that elected official for one year from the date of certification of the election. If a vacancy occurs due to recall election, Section 4.05 herein shall apply to fill said vacancy.

Section 5.09. Initiative to Amend the Charter. Nothing in this chapter shall be construed as in any way affecting the right of the voters to propose amendments to this Charter which can be proposed in accordance with MN Statute 410.12, as amended.

** Minnesota courts have limited the powers of initiative and referendum to ordinances which are legislative in character. General legislative acts lay down some permanent and uniform rule of law, administrative acts relate to daily administration of municipal affairs, and quasi judicial acts are the product of investigation, consideration and deliberate human judgment based upon evidentiary facts of some sort.*

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

Section 6.01. Administrative Responsibility. The Council as a body, shall be responsible for the administration of the City. The Council shall appoint an administrative officer to assist in the administration of City affairs. For purposes of reference in this Charter, this administrative officer shall be referred to as the City Administrator.

Section 6.02. Administrative Organization.

Subdivision 1. The Council may by ordinance establish City departments, offices, and agencies and prescribe their functions. No power or duty conferred by this Charter upon a particular office or agency shall be transferred to another.

Subdivision 2. The City Council shall hire heads of departments, and such other and further officers and personnel as may be required to operate the City efficiently. The City Council shall determine the qualifications thereof and prescribe the duties to be performed by each, except as otherwise prescribed in this Charter.

Subdivision 3. The head of departments and other officers designated by the Council shall report in person to the Council and to the public at least once each quarter at a regularly scheduled Council meeting.

Section 6.03. Duties of the City Administrator. The duties of the City Administrator shall be specified in Chapter 106 of City Code, as amended, and shall include those in MN State Statute for City Clerk unless otherwise assigned in City Code. The Council shall provide for the designation, delegation and/or assignment of some or all the duties to other city staff as needed. (Amended by Ordinance 841, Adopted March 8, 2010; Effective: June 16, 2010.)

Section 6.04. City Treasurer. The Council shall appoint a Treasurer. This office shall be separate from that of the City Administrator and shall include those duties for Treasurer in MN State Statute unless otherwise assigned in City Code. (Amended by Ordinance 841, Adopted March 8, 2010; Effective: June 16, 2010.)

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 except as limited or prohibited by the state constitution, state laws, or this Charter. It shall provide for the collection of all revenues and other assets, and the auditing and settlement of accounts. It shall further provide for the safekeeping and disbursements of public monies by the City Treasurer.

Section 7.02 Fiscal Year. The fiscal year of the City shall be the calendar year.

Section 7.03 System of Taxation. Subject to the state constitution, and except as forbidden by it or by state law, the Council shall have full power to provide by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the state constitution, by this Charter or by state laws imposing restrictions upon the City irrespective of Charter provisions.

Subdivision 1. The City's annual resolution to levy ad valorem taxes (raising money against real and personal property) shall not exceed the lesser of the following formulas; either the prior year tax levy dollar amount increased by a maximum of 5%, or CPI (Consumer Price Index) plus 2%. The CPI shall be the 12 month average of the most recently published data for all Urban Consumers in the Minneapolis, St. Paul metropolitan area, as defined by the U.S. Department of Labor, Bureau of Labor Statistics.

Subdivision 2. The City Council may levy a tax against real and personal property in excess of the limit set in Subdivision 1 provided the Council shall:

- A) Adopt a resolution declaring the necessity for a n additional tax levy and specifying the purposes for which such additional tax levy is required.
- B) Hold a public hearing upon at least 10 days posted and published notice in the City's official newspaper, City newsletter, and, if available, the City web site, setting forth the contents of the resolution described in Subdivision 2A.
- C) After such public hearing, adopt by an affirmative vote of at least four (4) members of the Council such resolution language which is readily understandable and a summary of such resolution will be the ballot question for the electorate at the next regular municipal election or special election, per this Charter's Section 4.04, as amended, prior to the final levy approval.
- D) If the additional tax levy resolution is then approved by the voters under Chapter 4 of this Charter then the levy shall be implemented in the following fiscal year or later date as specified in the resolution.

Subdivision 3. Any other fee or levy, created, or increased beyond the limits set forth in Subdivision 1, shall require voter approval as stipulated in Subdivision 2 of this Section.

- a) For the purposes of this Section, "fee" includes utility charges (other than water, sanitary sewer, storm water and street light), recycling fees, franchise fees (for gas and electric) and shall also include any other fee that produces a tax burden or direct financial obligation to a simple majority of property owners and/or residents of Mounds View and not specifically excluded in Section 7.03, Subd. 3b. (Amended by Ordinance 819, Adopted May 11, 2009; Effective: August 19, 2009.)
- b) For the purposes of this Section, the term "fee" does not include: Filing for Office fee, park or recreational participation fees, charges for photo-copying, sales of municipal liquor store products, Building and Zoning Permit or Inspection and Planning fees, or civil, criminal and banking fines and other charges collected in cases of restitution or violation of law or contract. The term "fee" does not include charges collected by the direction of the State, County or other taxation authority, or as a result of joint powers agreements. The term "fee" also does not include rental housing fees, liquor license fees, cable franchise fees, annual license fees for the operation of a regulated business, fees for services, including health and safety related Code enforcement, and other goods, services or materials routinely provided by the City that for those applicable, pursuant to MN Statute, the amount charged shall reflect the actual cost. The term "fee" shall not include any special assessments made under Minnesota Statutes Section 429, as amended. (Amended by Ordinance 819, Adopted May 11, 2009; Effective: August 19, 2009.)
- c) For the purposes of this Section, "fee increase" includes a new tax or fee, a monetary increase in an existing tax or fee, a tax or fee rate increase, an expansion in the legal definition of a tax or fee base, and an extension of an expiring tax or fee, excluding the annual recertification of the utility franchise fee. (Amended by Ordinance 819, Adopted May 11, 2009; Effective: August 19, 2009.)
- d) This Section does not apply to any specific emergency measure authorized in Chapter 7 Section 7.12. or MN Statute 475.754, as amended.

Subdivision 4. The City shall not levy to increase any fund reserve beyond 50% of an average of that fund's previous five years annual expenditures. The Council may raise a fund's reserve beyond 50% provided:

- a) the Council designates by resolution and holds a public hearing reviewing the purpose of the reserve increase and the City follows such proposed increase with the steps outlined in Subdivision 2 of this Section the year prior to the collection of such increased taxation or fee, or
- b) the Council modifies and adopts by resolution the Five Year Financial Plan, as defined in Chapter 7, Section 7.05, as amended, specifying the fund reserve purpose and the City follows such proposed increase with the steps outlined in Subdivision 2 of this Section the year prior to the collection of such increased taxation or fee.

Moneys raised by Tax Increment Financing shall not be included in the calculation of reserve limit. This Subdivision and Section shall not limit or impair the City's ability to create Tax Increment Financing or enter into Development Agreements specified by MN Statutes 469.174 to 469.1799, as amended. This Subdivision shall not require the City to divest or expend any excess of any reserve fund(s) currently exceeding the specified limit, provided the Council, within 90 days of adopting this Section, designates by resolution the purpose of the reserve or adopts a modified Five Year Financial Plan reflecting the reserve purpose.

Subdivision 5. Nothing in this Section shall be construed to impair any general obligation the City may have in support of otherwise lawful indebtedness or similar obligation supported by the full faith and credit of the City, provided, however, that long-term, general obligation indebtedness shall not be used for the purpose of funding the routine and daily business operations of the City.

(Section 7.03 Amended by Referendum Election, November 2006)

Section 7.04 Submission of Budget.

Subdivision 1. Annually, on or before the 15th calendar day of September of each year or as specified by MN Statute 275.065, as amended, the City Administrator shall submit to the Council the budget estimates for funds levying property taxes for the ensuing fiscal year and an accompanying summary message in accordance with a budget calendar to be established by resolution.

The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by state law and this Charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by the City Council. The final budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and except as required by state law or this Charter, shall be in such form as the Council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding year. In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure.

Subdivision 2. For each enterprise operated by the City, its proposed and final budgets shall show income, expenditure, and anticipated net surplus or deficit with the proposed disposition method.

Subdivision 3. The City Administrator's message shall explain the budget, both in fiscal terms and in terms of the work programs, linking programs to goals of the City and community priorities. It shall outline the proposed financial policies and programs of the City for the ensuing fiscal year and the impact of those policies and programs compared to the City's current five-year plan, as adopted by the City Council. It shall describe the important features of the budget, indicate any major changes in financial policies, expenditures, and revenues together with the reasons for such changes. It shall summarize the City's debt position for each fund, including factors affecting the ability to raise resources through debt issues, and include such other material as the City Administrator deems desirable or as requested by the City Council

Subdivision 4. Budget Planning Guideline. The purpose of this section is to provide the public with a general time table for the annual budget process. The dates are guidelines and subject to change by the City Council and MN Statute 275.065, as amended.

<u>Activity</u>	<u>Estimated Time Period</u>
Five-Year Plan: Development	Jan. 1 to May 1
Five-Year Plan: Public Review	May 1 to May 20
Five-Year Plan: Council Approval	May 20 to June 1
Annual Budget Calendar: Adopted by Council	June 1
Five-Year Plan: Published to Public	June 1 to Aug. 1
Annual Budget: Public Input to Department	June 1 to Sept 1
Annual Budget: City Administrator Develops Summary and Estimate Proposal for Council	Aug. 1 to Sept. 15
Annual Budget: Estimates Submitted to Council	Sept. 15
Annual Budget: Proposal and Tax Levy Estimates Council Adoption	Sept. 15
Annual Budget: Council Review and Amend	Sept. 15 to Nov 23
Annual Budget and Tax Levy: Proposal Published to Public	Sept. 15 to Dec. 1
Annual Budget and Tax Levy: Public Review	Sept. 15 to Dec. 20
Annual Budget: Public Hearing Advertised	Nov.
Annual Budget and Tax Levy: Initial Public Hearing	Nov. 29 to Dec. 20
Annual Budget and Tax Levy: Council Adoption	Dec. 5 to Dec. 20
Annual Budget and Tax Levy: Final Council Budget Summary Published to Public	Dec. 20 to Feb. 1

Section 7.05 Five-Year Financial Plan.

Subdivision 1. The City Council shall have prepared a five-year financial plan commencing with the ensuing calendar year. The City Council shall hold a public hearing upon at least 10 days posted and published notice in the City's official newspaper and, if available, the City web site and shall then adopt the five-year financial plan, with or without amendment, by June 1st of each year. The financial plan shall consist of at least the following three elements as specified in subdivisions 2 through 4 which follow:

Subdivision 2. The Capital Improvement Program shall contain 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 estimate, method of financing and recommended time schedule for each such improvement; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process.

Subdivision 3. A Five-Year Revenue and Expense Estimate shall contain a tentative revenue policy that describes five-year plans for financing public services and capital improvements. It shall measure the objectives and needs for each City department, the standard of services desired, and the impact of each such service on the annual operating budget.

Subdivision 4. The Capital Budget shall be a summary on the basis of a five-year period of the capital or money requirements for the above described programs. It shall list a priority for each anticipated investment in community facilities and balance this with a consideration of the availability of necessary revenues.

Subdivision 5. A summary of the five year financial plan shall be published before August 1st each year in the official City newspaper, the City newsletter, and, if available, the City web site. (Amended by Ordinance 839, Adopted Dec 14, 2009; Published Dec 24, 2009.)

Section 7.06. Council Action on Budget.

Subdivision 1. The Council shall annually adopt a budget calendar by June 1st. The calendar will establish the time line for development and submission of the budget and allow for public review and comment in accordance with this Charter, the City Council, and MN Statute 275.065, as amended. The budget shall be considered at the first regular monthly meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. The budget calendar will provide a 30-day period for public review and input to the annual budget prior to final approval by the City Council. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the sum of estimated income and reserves. The Council shall adopt the budget by a resolution that shall set forth the total for each budgeted fund and each department. The budget shall indicate the sums to be raised and from what sources and the sums to be spent and for what purpose as the Council deems necessary for establishing the budget. The Council shall also adopt a resolution levying the amount of taxes provided in the budget, and the City Administrator shall certify the tax resolution to the County Auditor in accordance with state law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution of the several purposes named.

Subdivision 2. As specified by MN Statute 275.065, as amended, before the budget is adopted for the ensuing fiscal year, a public hearing notice and summary of the proposed budget will be published in the official City newspaper, the City Newsletter, and, if available, the City web site. Such summary should be readily understandable by the layperson, and should provide appropriate supporting information as to the necessity for any increase in the budget over the total for the current fiscal year. Failure to provide the specified summary will not invalidate the budget.

The final budget will be published in accordance with Minnesota Statutes on Truth in Taxation or no later than 60 days after adoption by the Council in the official City newspaper, the City newsletter and, if available, the City web site.

Subdivision 3. If the Council fails to adopt the budget by the beginning of the next fiscal year, the preceding months fiscal year budget shall go into effect for up to thirty-one (31) days or until the Council adopts a budget.

Section 7.07. Enforcement of the Budget. The City Administrator may designate department heads or other staff who may assist with each fund or department in the annual budget. It shall be the duty of the City Administrator to strictly enforce the detail provisions of the budget. The City Council shall strictly enforce the provisions of the budget. The City Council shall not authorize any payment or the incurring of any obligation by the City, unless an appropriation has been made in the budget resolution, and there is a sufficient unexpended balance after deducting the total past expenditures and encumbrances against the appropriation. No officer or employee of the City shall place any order or make any purchase unless the amount is authorized in the budget resolution and in compliance with the purchasing policies of the City as established by the City Council, the City Charter, the City Code, and Minnesota Statutes. 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 authorized, shall be a personal obligation upon the person incurring the obligation. No check shall be issued or transfer made to any account other than one owned by the City until the claim to which it relates has been supported by an itemized bill, payroll, or time sheet or other document approved and signed by the responsible City officer who vouches for its correctness and reasonableness.

Section 7.08. Alterations in the Budget. After the budget resolution has been adopted, the Council may amend the budget by resolution, but shall not increase the amounts fixed in the resolution beyond the sum of estimated receipts and reserves, except to the extent that actual receipts exceed the estimate or to implement Section 7.12 herein. At any time the Council may by resolution reduce the sums appropriated for any purpose, to increase reserves or authorize the transfer of sums from unencumbered balances in the budget.

Section 7.09. Funds. There shall be maintained in the City treasury a general fund and such other funds as may be required by state law, ordinance, or resolution. The Council may, by resolution or ordinance, make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate.

Section 7.10. City Indebtedness. (Amended by Ordinance 782, Adopted January 8, 2007; Published January 27, 2007)

Subdivision 1. Except as provided in Sections 7.11 and 7.12, no obligation shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with state law and within the limitations prescribed by law. All such obligations shall be issued and sold only with the approval of the majority of the voters voting on the question at a general or special election, except in the case of obligations for which an election is exempted by this Charter or by state law.

Subdivision 2. A description of each such proposed issue shall be published in the official City newspaper, and, if available the City Newsletter and the City web site, but failure to give such description, or any defect in the description, shall not invalidate the issue.

Section 7.11. 1. Anticipation Certificates. At any time after January 1, in accordance with MN Statute 412.261, as amended, with the following restrictions; the Council may issue certificates of indebtedness in anticipation of state and federal aids and the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any year together with interest thereon until maturity shall not exceed 90% of the total state and federal aids and current taxes due to the fund and uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine, but they shall become due not later than August 1st of the year following their issuance. The proceeds of the tax levied and such state or federal aids as the governing body may have allocated for the fund against which tax anticipation certificates are issued, and the full faith and credit of the City shall be irrevocably pledged for the redemption of the certificates.

Section 7.12. Emergency Debt Certificates. If in any year the receipt from taxes, availability of reserves, 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 necessitates the making of extraordinary expenditures, the Council may by ordinance issue, on such terms and in such manner as the Council determines, emergency debt certificates not to exceed 10% of the total City budget and to run not to exceed three years. Taxes 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 the issue of such emergency debt certificates shall state the nature of the emergency and be approved by at least three members of the Council. It may be passed as an emergency ordinance.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. Power to Make Improvements and Levy Assessments. The City may make any type of public improvement not forbidden by law and levy special assessments to pay all or any part of the cost of such improvements as are of a local character. The total assessments for any local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. No assessment shall exceed the benefits to the property.

Section 8.02. Effective Charter Provisions. Local improvements (the term "local improvement" shall mean a public improvement financed partly or wholly from special assessments) shall be carried out exclusively under the provisions of this Charter.

Section 8.03. Local Improvement Ordinances and Regulations. Within 90 days after this Charter goes into effect, the Council shall enact suitable ordinance(s) governing local improvements and special assessments. The ordinance(s) shall provide a complete working code covering the determination of assessments and assessment Districts, public hearings, appeals from a collection of assessments, penalties for delinquency in making payments, financing of said assessments, and the certifying of unpaid assessments for collection by the proper county officer. Said ordinance(s) shall also provide for installment payments and notices to be given thereof, appellate procedure, re-assessment, if necessary, and all other matters appropriate to the subject of local improvements and assessments. After the adoption of such ordinance(s) providing for local improvements, all procedures in compliance therewith shall conform to the regulations as set forth in such ordinance(s) and as otherwise contained in this Charter.

Section 8.04. Procedure.

Subdivision 1. All improvements to be paid for by special assessments against the benefited property shall be instituted by either, (1) the petition of at least twenty-five percent in number of the benefited property owners together with a resolution adopted by an affirmative vote of the majority of all of the Council, or, (2) a resolution adopted by a four-fifths affirmative vote of all of the Council. The Council resolution shall state the nature and scope of the proposed improvement, and shall provide means to obtain a cost estimate which shall set forth the cost of the improvement both in unit price and in total thereof. Upon receipt of such estimate, the Council shall by resolution set a date for a public hearing on the proposed improvement, setting forth therein the time, place and purpose of such hearing. Such resolution shall be described in the City Newsletter and published twice at least one week apart in the official newspaper of the City no less than two weeks prior to the date of said hearing, and in addition thereto, a copy of such resolution including estimated unit prices and estimated total price thereof shall be mailed to each benefited property owner at owner's last known address at least two weeks prior to the date of said hearing. Failure to give mailed notice, or any defects in the notice, shall not invalidate the proceedings. At such hearing the City Council shall receive any written and oral statements, and hear any petitioners for or against the proposed improvement. A period of sixty days shall elapse after the public hearing before any further action shall be taken by the Council on the proposed improvement. If within such sixty day period, a petition against such improvement be filed with the Council, signed by a majority of the owners proposed to be assessed for the improvement, or, when the improvement has been petitioned for, signed by a number of the owners proposed to be assessed for such improvement at least equal

to the number of those who petitioned for the improvement, the Council shall not make such improvement at the expense of the property benefited, unless, in the meantime, there be filed with the Council a petition asking that the improvement be made, signed by property owners proposed to be assessed for such improvement at least equal in number to those who signed the petition against the improvement; in which event the Council may disregard the petition against the improvement. Any person whose name appears on a petition to the Council for a local improvement, or on a petition to the Council against a local improvement, may withdraw their name by a statement in writing filed with the Council before such petition is presented to the Council.

Subdivision 2. Regardless of the provisions in Subdivision 1, when less than 100 percent of the estimated cost of a proposed local improvement is to be paid for by special assessment, within the sixty day period after a public hearing has been held on the proposed improvement, a petition may be filed with the Council, signed by a majority of the number of electors who voted for Mayor in the last regular municipal election, protesting against either the improvement, or the assessment formula, or both. In this event, the Council shall not proceed with the improvement, as proposed.

Subdivision 3. When a proposed improvement is allowed under the foregoing subdivisions the Council may proceed at anytime between sixty days and one year after the public hearing on the improvement. However, no contract shall be let in the event that the current proposed contract exceeds the estimated cost by more than ten percent.

Subdivision 4. When a proposed improvement is disallowed under the foregoing subdivisions, the Council shall not vote on the same improvement within a period of one year after the public hearing on said improvement.

Section 8.05. Assessments for Services. The Council may provide by ordinance that the cost of City services to streets, sidewalks, or other public or private property may be assessed against property benefited and may be collected in the same manner as special assessments. Such costs shall not be deemed to be "special assessments" for the purposes set forth in Section 8.03 of this chapter.

Section 8.06. Certification of Administrative Offense Penalties. Authority is granted to the City of Mounds View to certify unpaid property-based Administrative Offense penalties by certification to property taxes. Collection of Administrative Offense penalties shall proceed only in accordance with an ordinance adopted by the Council that must require at least the following:

The City must give notice to the property owner listed on the official tax records at least 30 days prior to imposing the certification.

The City must attempt to obtain voluntary payment of the fees and penalties and allow the property owner the opportunity to request certification to the property taxes as a method of payment. The City must provide an opportunity for a hearing regarding the certification before either the City Council or a neutral third party as specified in City Code.

Administrative Offense penalties and charges must be directly related to the property being assessed according to City Code and as published in the fee schedule. Certifications under this ordinance shall be imposed pursuant to Minnesota State Statutes including 366.011, 366.012, 415.01, and 429.101, as amended and as specified in City Code. (Amended by Ord. 810, adopted 28, 2008.)

CHAPTER 9

EMINENT DOMAIN

Section 9.01. Acquisition of Property. The City may acquire by purchase, gift, condemnation, or otherwise, any real property, either within or without its boundaries that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain, the City shall proceed according to Minnesota law, Chapter 117, as amended, or other applicable items. (Amended by Ordinance 749; Adopted September 27, 2004; Filed: October 13, 2004).

CHAPTER 10

FRANCHISES

Section 10.01. Except as otherwise provided by state 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 therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. No exclusive franchise shall be granted unless the proposed ordinance is submitted to the voters of the City following a public hearing and approved by at least a majority of those voting thereon. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the City Administrator to guarantee publication before the ordinance is passed.

Section 10.02. Term. No perpetual franchise or privilege shall be created, nor shall any exclusive franchise or privilege be granted for a period of more than twenty-five years.

Section 10.03. Public Hearing. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the Council, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the City Newsletter and in the official newspaper not less than ten days prior to the date of the hearing.

Section 10.04. Power of Regulation Reserved. Subject to any applicable state law, the Council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable state or municipal law, or regulation, or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Section 10.05. Renewals or Extensions. Every extension, renewal, or modification of any existing franchise, or of any franchise granted thereafter, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 11.01. Acquisition and Operation of Utilities. The City may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service, or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose, and may acquire any existing utility properties so needed; but such action may only be taken by ordinance, which shall not be an emergency ordinance. The operation of all public utilities owned by the City shall be under the supervision of the City Council.

Section 11.02. Rates and Finances. The Council may by ordinance fix rates, fares and prices for municipal utilities, but such rates, fares and prices shall be just and reasonable. The Council shall endeavor to make each municipal utility financially self-sustaining. Before any rates, fares or prices for municipal utilities shall be fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 11.06 of this chapter. The Council shall prescribe the time and the manner in which payments for all such utility services shall be made, and may make such other regulations as may be necessary, and the penalties for violations of such regulations.

Section 11.03. Purchase in Bulk. The Council may in lieu of providing for the local production of gas, electric, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix. Before such rates are fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 11.06 of this chapter.

Section 11.04. Lease of Plant. The Council may, if the public interest will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the City upon such rentals and conditions as it may deem necessary; but such contract shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

Section 11.05. Public Utility, How Sold. No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall be embodied in an ordinance approved by a majority of the registered voters voting thereon at a general or special election. Before such ordinance is submitted to a vote, the Council shall hold a public hearing on the matter in accordance with Section 11.06 of this chapter.

Section 11.06. Notice of Public Hearings. Notice of public hearing required by this chapter shall be published at least once in the official newspaper and in the City Newsletter at least ten days prior to the date of the hearing. Additional notice of such public hearing may be given in such manner as the Council may determine.

CHAPTER 12

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 12.01. Official Publication. The Council shall annually designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published ordinances and other matters required by law and this Charter to be so published, as well as such other matters as the Council may deem it in the public interest to have published in this manner. (Amended by Ord. 799, adopted Sep 24, 2007.)

Section 12.02. Oath of Office. Every officer of the City shall, before entering upon the duties of their office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as (Mayor, Councilmember, City Administrator, etc.) of the City of Mounds View to the best of my judgment and ability."

Section 12.03. City Officers not to be Interested in Contracts. Except as otherwise permitted by state law, no officer of the City, who is authorized to take part in any manner in any contract with the City, shall voluntarily have a personal financial interest in such contract or personally benefit financially therefrom.

Section 12.04. Official Bonds. The City Administrator, the City Treasurer, and such other officers or employees of the City may be provided for by ordinance shall each, before entering upon the duties of their respective office or employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of their official duties. This corporate surety bond may be in the form of either individual or blanket bonds at the discretion of the Council. They shall be approved by the Council, and approved as to form by the City Attorney, and filed with the City Administrator. The premiums on the bonds shall be paid by the City.

Section 12.05. Sales of Real Property. No real property of the City shall be disposed of except by ordinance. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the Council may by resolution designate some other public use for the proceeds.

Section 12.06. Vacation of Streets. The Council may by ordinance vacate any street or alley or other public grounds or part thereof within the City. Such vacation may be made only after published notice in the official newspaper and an opportunity for affected property owner and public to be heard, and upon such further terms and by such procedure as the Council by ordinance may prescribe. A notice of completion of such procedure shall be filed in accordance with law.

Section 12.07. Statutes not Affected by Charter. 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 Mounds View operating under Home Rule Charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Mounds View, and shall be construed as supplementary to the provisions of this Charter.

Section 12.08. City to Succeed to Rights and Obligations of Former Charter. 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 12.09. Existing Ordinances and Resolutions Continued. All ordinances, resolutions and regulations of the municipality 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 12.10. Officers to Continue for Present Terms. All elective and appointive officers of the City holding office on the effective date of this Charter shall continue in office for the terms to which they were elected or appointed, and until their successors shall have been elected or appointed and have qualified.

Section 12.11. Pending Condemnations and Assessments. Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceeding was begun. All assessments made by the municipality prior to the time when this Charter takes effect shall be collected, and the lien thereon enforced in the same manner as if this Charter had not been adopted.

Section 12.12. Ordinances to Make Charter Effective. The Council shall by ordinance, resolution, or other appropriate action make such regulations as may be necessary to carry out and make effective the provisions of this Charter.

Section 12.13. A newsletter shall be published by the City at regular intervals at least four (4) times each year. The City of Mounds View may use several delivery methods if necessary to deliver the newsletter to at least each non-commercial postal delivery address within the City of Mounds View unless the resident has requested not to receive the city newsletter. If practicable, a copy of the newsletter shall be posted on the city website. (Amended by Ord. 800, adopted Jan 14, 2008.)

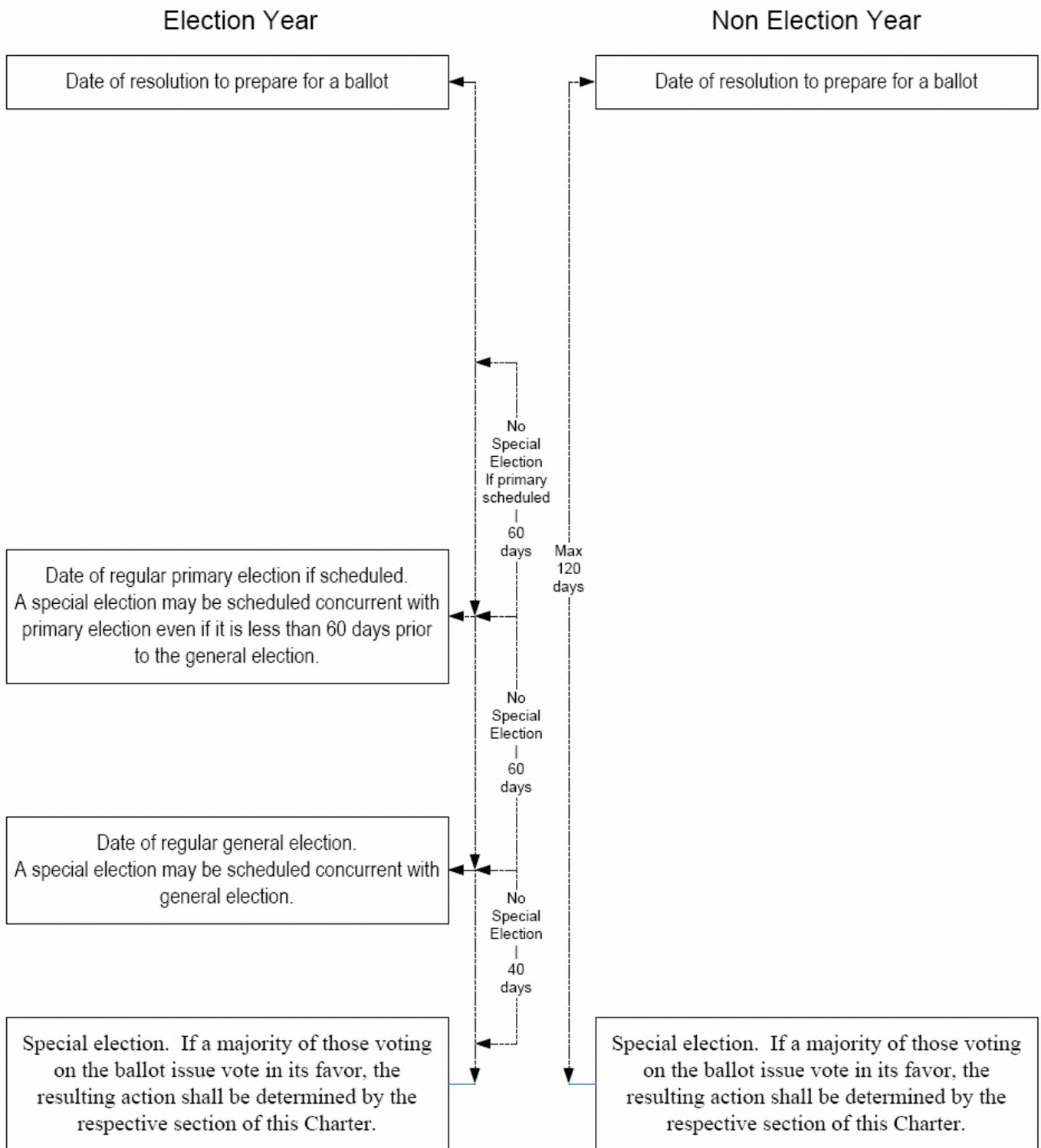
Section 12.14. Fines and Civil Penalties. The Council may provide by ordinance that a violation of a City ordinance is either a misdemeanor or a petty misdemeanor, punishable in accordance with State law. The Council shall establish by ordinance a procedure for imposing a civil penalty known as an administrative offense as defined in City Code. (Amended by Ord. 810, adopted July 28, 2008.)

Section 12.15. This Charter becomes effective January 1, 1980, or thirty days after adoption, whichever comes later.

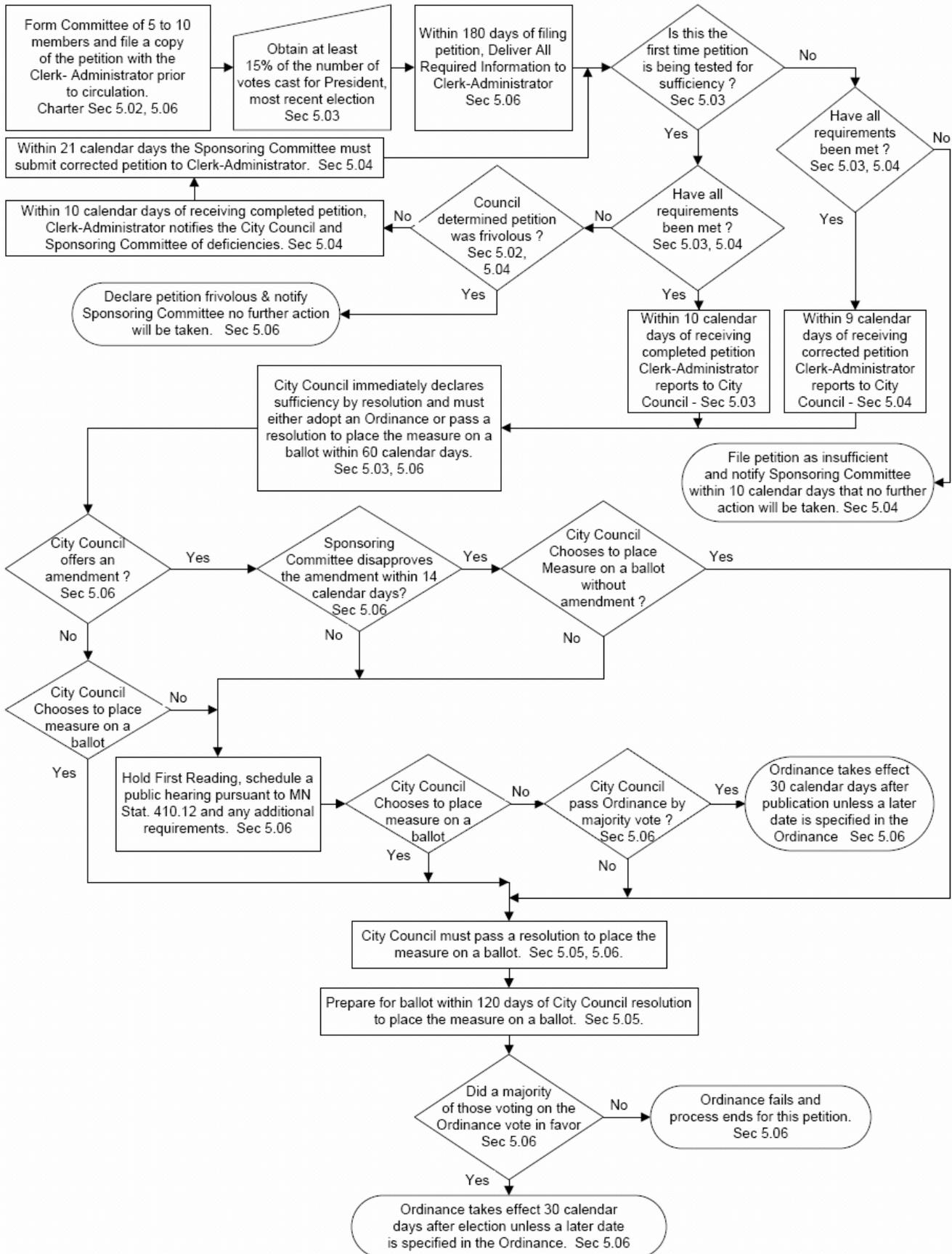
Revision History: (since 2004)

Ord 878, adopted Feb 11, 2013	Amended Section 4.02, "Filing for Office"
Ord 841, adopted Mar 8, 2010	Amended Chapters 1 - 6 generally, Sections 6.03 and 6.04 specifically
Ord 839, adopted Dec 14, 2009	Amended Section 7.05, Subd 1
Ord 819, adopted May 11, 2009	Amended Section 7.03
Ord 810, adopted Jul 28, 2008	Added Section 8.06 and amended Section 12.14
Ord 800, adopted Jan 14, 2008	Amended Section 12.13
Ord 799, adopted Sep 24, 2007	Amended Section 12.01
Ord 790, adopted Jul 23, 2007	Amended Chapters 3 and 5
Ord 782, adopted Jan 8, 2007	Amended Section 7.10
Ord 772, adopted May 22, 2006	Amended Chapter 7
Ord 759, adopted Jun 13, 2005	Amended Section 4.02
Ord 749, adopted Sep 27, 2004	Amended Section 9.01
Ord 748, adopted Sep 27, 2004	Amended Section 4.05
Ord 742, adopted Sep 27, 2004	Amended Section 2.06
Ord 736, adopted May 10, 2004	Amended Section 4.02

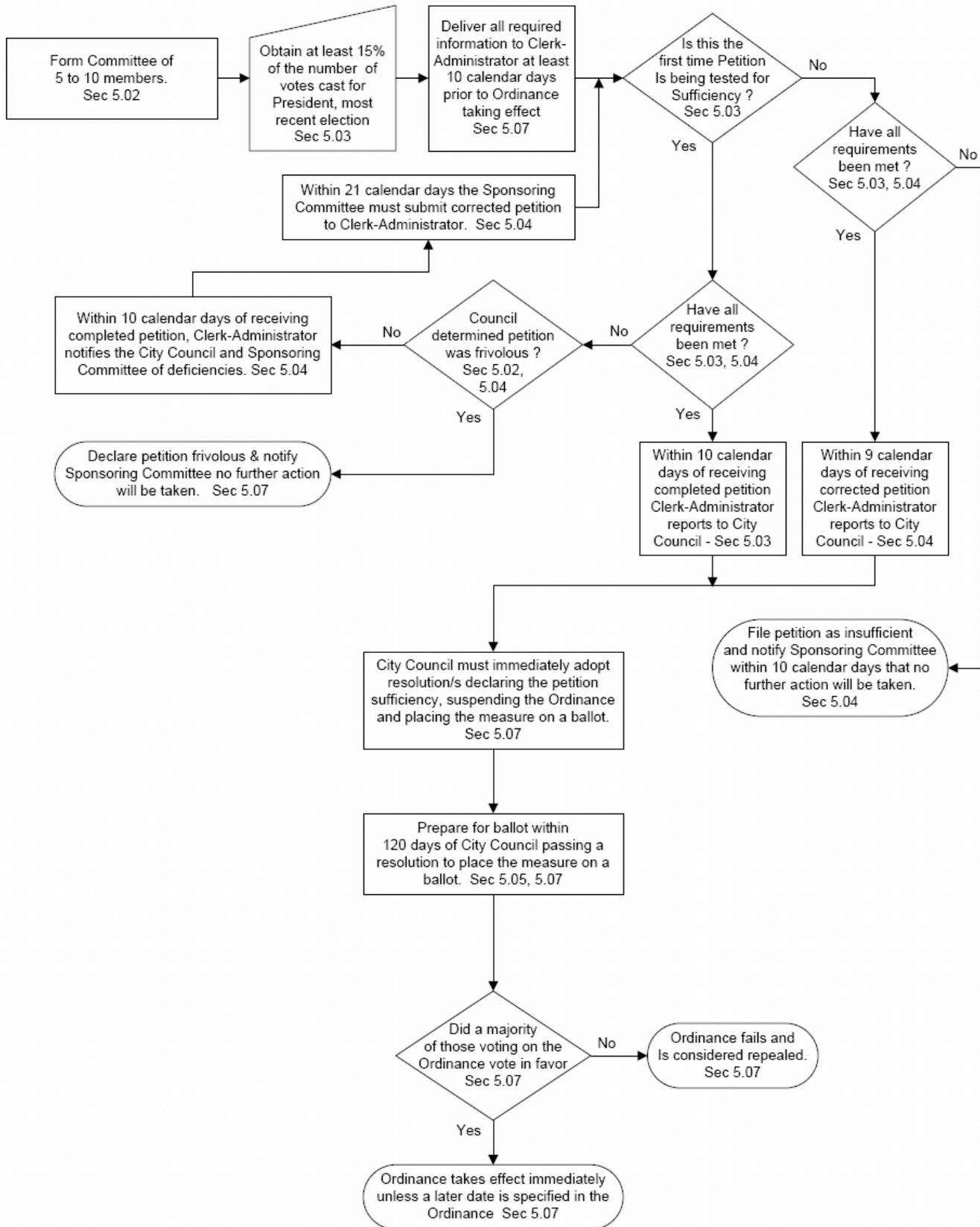
Mounds View Charter Appendix A
Timeline for a ballot issue related to Initiative, Referendum or Recall
 Revision Date 7/21/2007



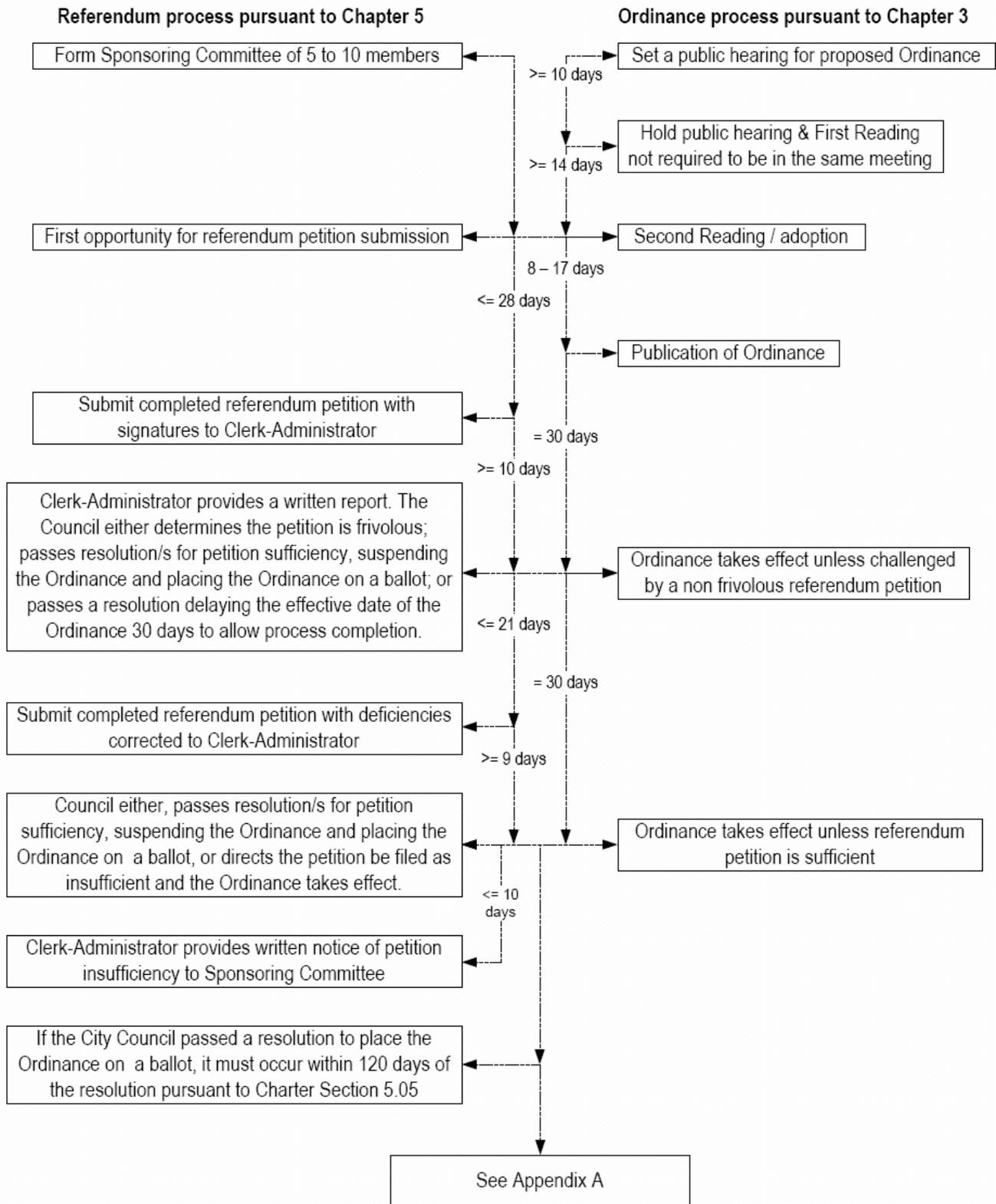
Mounds View Charter Appendix B - Initiative Process Flow Diagram – Revision Date 7/12/2007



Mounds View Charter Appendix C - Referendum Process Flow Diagram – Revision Date 7/12/2007



Mounds View Charter Appendix D
Adoption of Ordinance with allowance
for Citizen Referendum - Timeline
 Revision Date 7/12/2007



Mounds View Charter Appendix E - Recall Process Flow Diagram – Revision Date 7/12/2007

