



**WORK SESSION
RICHFIELD MUNICIPAL CENTER
JANUARY 10, 2023
5:30 PM**

Call to order

1. Second discussion on the Charter Commission's recommendations for amendments to the current City Charter.
2. Update on local sales tax projects and funding.

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.



STAFF REPORT NO. 01
WORK SESSION
1/10/2023

REPORT PREPARED BY: Chris Swanson, Management Analyst

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: Mary Tietjen, City Attorney

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
1/4/2023

ITEM FOR WORK SESSION:

Second discussion on the Charter Commission's recommendations for amendments to the current City Charter.

EXECUTIVE SUMMARY:

Richfield is a home rule charter city. The Richfield City Charter ("the Charter") is a fundamental governing document of the City. The Charter was adopted November 3rd, 1964. There have been a number of amendments to the Charter since its adoption, the most recent occurred in 2013.

It's considered best practices to periodically review the Charter to ensure the document is still relevant and functional. Over the past year the Richfield Charter Commission ("the Commission") has reviewed the current Charter. Staff worked with the Commission to identify areas where the Charter could be updated to bring in line with state statute and best practices. There are also several small general grammar and spelling changes that staff updated during this process.

The Commission has identified and intends to recommend amendments to the current Charter. These amendments simplify and clarify language in the Charter; clarify the Council's and Mayor's authority in times of emergency; add consistency with state law; expand the Council's authority to approve public purpose expenditures; and update the document to reflect current community conditions. The City Attorney drafted the proposed amendments consistent with the Commission direction and feedback. The recommended amendments are included in the attached documents.

This work session is an opportunity for City Council to review the draft of the recommended amendments to the Charter. Staff and the City Attorney will present the proposed amendments to the Charter. Members of the Commission will also be in attendance to answer any questions Council may have for them. If Council would like to suggest any changes to the proposed charter amendments, Staff will bring these back to the Commission for review and discussion. If the Commission supports the updates, the Commission may formally recommend the Council amend the Charter by ordinance.

The ordinance method of adopting charter amendments is the only way to adopt an amendment without holding an election. Staff recommends amending the Charter by ordinance as submitting the question to

voters at an election would be significantly more expensive than adoption by ordinance.

Amending the charter by ordinance requires a public hearing. Within one month of the public hearing, the Council must vote on the proposed amendment ordinance.

The Charter amendments must be approved by unanimous vote of the mayor and all council members. The Charter amendment ordinance is then published and becomes effective 90 days after publication unless a referendum petition is filed within the 60 days after publication.

If an ordinance is not approved, the Commission may, or may not, petition to have the Charter amended by the voters.

On August 10, 2022, the City Council and members of the Charter Commission held a joint work session to review proposed changes to the charter. The Charter Commission held a special meeting in late 2022 to review the council comments and made some changes that reflected the items discussed during the August 10th work session. The proposed updates are included in the attached document.

DIRECTION NEEDED:

See Executive Summary

BACKGROUND INFORMATION:

A. HISTORICAL CONTEXT

- Richfield is a home rule charter city. The Richfield City Charter was adopted November 3rd, 1964.
- There have been several amendments to the Charter since its adoption, the most recent occurred in 2013.
- On August 10, 2022, the City Council and members of the Charter Commission held a joint work session to review proposed changes to the charter.

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

- The City Charter is a fundamental governing document of the city.
- State Statute establishes a process for amendments to city charters.

C. CRITICAL TIMING ISSUES:

None

D. FINANCIAL IMPACT:

The ordinance method of adopting charter amendments is the only way to adopt a charter amendment without holding an election. Amending the charter by submitting the question to voters at an election is significantly more expensive than adoption by ordinance.

E. LEGAL CONSIDERATION:

N/A

ALTERNATIVE(S):

PRINCIPAL PARTIES EXPECTED AT MEETING:

ATTACHMENTS:

Description	Type
☐ Charter Amendment Recommendation Memo (1-6-2023)	Backup Material
☐ Proposed Charter Draft (CLEAN)	Exhibit

Kennedy

&

Graven

CHARTERED

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MEMORANDUM

TO: Richfield Mayor and City Council

FROM: Mary Tietjen, City Attorney

DATE: January 6, 2023

RE: Charter amendments

The City Council last discussed the proposed charter amendments at its work session on August 10, 2022. Since that time, the Charter Commission has had two additional meetings to discuss the Council's input and finalize its recommended changes to the City Council.

This memorandum will highlight the issues raised by the Council at its August meeting and outline the Charter Commission's recommendations in response. The following points will also be covered in a brief power point presentation at the January 10, 2023, work session.

1. **Section 2.06 – The Mayor.** The Council discussed its preference to retain language in this section that requires the Mayor to obtain Council consent before meeting with staff in an emergency. A couple of council members commented that the term "coordinate" was too vague. The City Manager commented that "fire" should be included as follows: "... to aid in identifying resources to assist the police and fire departments. ..."

The Charter Commission felt strongly about maintaining the Mayor's flexibility to confer with staff in an emergency situation and felt comfortable that state law already provides parameters for when Council action or consent is required in an emergency. The Commission was comfortable with including language that the Mayor meet with the Council ahead of time if circumstances allow it.

Revised Charter Commission proposed language:

In time of public danger or emergency the Mayor may confer with the consent of the Council, take command of City manager, police chief, and fire chief as part of the emergency response system to communicate with the public and to aid in identifying resources to assist the police and fire departments, to maintain order and enforce the law and to respond to the emergency including, but not limited to, requesting assistance from federal, state, and local agencies as may be needed. If time and circumstances allow, in

the Mayor's discretion, the Mayor will consult with the Council prior to conferring with City staff.

2. **Section 3.01. Council Meetings.** Some Council members felt using the term “reasonable” for purposes of meeting notice is too vague.

The Charter Commission believes it is important to maintain flexibility for notice of emergency meetings, but ultimately agreed to retain the original language requiring at least twelve hours' notice for special meetings.

Revised Charter Commission proposed language:

Newly elected members of the Council will assume their duties at the first regular or special meeting of the Council in January following a regular municipal election. Thereafter, the Council will meet at the times each month as established by ordinance or resolution. The Mayor or any two members of the Council may call special meetings of the Council upon at least twelve hours' notice to each member of the Council. ~~The must be delivered personally~~ Mayor or any two members of the Council may call an emergency meeting upon notice, as practicable, to each member or be left at of the Member's usual place of residence with some responsible person ~~Council.~~ The notice to Council members of a meeting may be by personal delivery, telephone, or other electronic means as may be needed to ensure they receive the notice. Meetings of the Council are public, except as otherwise permitted or required by law. Any person may inspect the minutes and records of the meetings at reasonable times.

3. **Section 3.04. Ordinances, Resolutions and Motions.**

Staff is looking for Council input on a possible change to this section. However, because a question about this section arose *after* the last Charter Commission meeting, any proposed change will need Commission approval. This section currently reads as follows:

Except as otherwise provided in this Charter, all legislation shall be by ordinance. The aye and no vote on ordinances, resolutions, and motions shall be recorded. An affirmative vote of a majority of all members of the Council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this Charter.

This section requires a majority vote of *all* members of the Council for passage of any ordinance, resolution, or motion. Thus, if only three members of the Council are present at a meeting and one member is opposed to an item, the item would not be able to be approved.

Policy questions for the Council and Charter Commission:

- A. Should ordinances always require a majority vote of *all* members of the Council? (Many area charter cities, including for example, Bloomington, Robbinsdale, Crystal, Minnetonka, and Hopkins have a charter provision with this requirement.)
- B. Should there be flexibility for adoption of resolutions and motions? For example, should resolutions and motions only require a majority vote of a quorum of the Council for passage?

Depending on input by the Council and Commission, staff will draft proposed language accordingly.

4. Section 5.20. Procedure to Fill Vacancy.

As the Council is aware, the Commission is recommending changes to sections 2.05 and 2.06 of the Charter that would require a special election if 365 days or more remain in the term of the Mayor or Council member who is vacating a seat due to death, resignation, lengthy absences, etc. (This is a change from 180 days.)

Council had previously discussed changing section 5.20 to align with this change. However, section 5.20 addresses the procedure to fill a vacancy in a situation where a Council member is recalled by the electors or resigns after a petition has been filed for the member's recall. Due to the unique policy issues surrounding a recall, the Commission is recommending that the language in Section 5.20 remain the same, which would require a special election if 180 days or more remain in the Council member's term at the time of recall or resignation following a recall petition.

Appendix A
CITY CHARTER OF RICHFIELD

RICHFIELD CITY CHARTER

CHAPTER 1. NAMES, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01. Name and Boundaries.

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

Section 1.02. Powers of the City.

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

Section 1.03. Charter a Public Act.

This Charter will be a public act and need not be pleaded or proved in any case. The charter, as published by the City, is self-authenticating and does not require the production of extrinsic evidence to prove its authenticity. The City will publish amendments to the charter as required by law and post the current version of the charter on the City's website.

CHAPTER 2. FORM OF GOVERNMENT

Section 2.01. Form of Government.

The form of government established by this Charter is the "Council-Manager Plan". The Council will exercise the legislative power of the City and determines all matters of policy. The City Manager will be the head of the administrative branch of the City government and is responsible to the Council for the proper administration of all affairs relating to the City.

Section 2.02. Boards and Commissions.

There will be no separate administrative boards or commissions except for the existing Fire Civil Service Commission and boards established for the administration of a function jointly with another political subdivision. The Council itself performs the duties and exercises the powers of such boards and commissions. The Council may, however, establish 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. Elective Officers.

The Council is composed of a Mayor and four Council Members, all of whom must be registered voters. The offices of Mayor and at-large Council Member must be filled by election at-large. The offices of the three ward Council Members must be elected from apportioned Council wards in which they reside. The Mayor and the Council Members will each be elected to a four-year term with Mayor and the Council Member at-large in 1994 and each succeeding four years and the district Council Members elected in 1992 and each succeeding four years. The regular term of an office commences at the first regular or special council meeting in January next following the general election at which balloting for the full term of office occurs, and office holders must serve until their successors are elected and qualified. A candidate for the office of ward Council Member must reside while seeking election and while serving in office within the ward from which he or she is elected. Within two years after each United States Census the City Council will by ordinance establish compact and contiguous wards to be apportioned by population as nearly equal as practicable. The three wards will be Eastern, Central and Western Richfield with dividing lines generally north and south.

(Amended, Bill 1992-10; Bill No. 2003-20)

Section 2.04. Incompatible Offices.

No member of the Council can be appointed City Manager, nor can any member hold any paid municipal office or employment with the City. A member of the Council may not, for a period of one year after the expiration of the member's term as Mayor or Council Member, be appointed to any paid office or employment with the City.

(Amended, Bill 1990-13)

Section 2.05. Vacancies.

Subdivision 1. Existence. A vacancy in the office of Council Member exists for the following reasons:

- (1) death or resignation of a Council Member.

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- (2) the failure of any person elected to the Council to qualify on or before the date of the second regular meeting of the Council in the year following the year of election;
 - (3) the Council Member ceasing to be a resident of the City;
 - (4) a ward Council Member ceasing to be a resident of the ward which the member represents;
 - (5) continuous absence of the Council Member from the City for more than 90 days;
 - (6) conviction of a Council Member of a felony whether before or after qualification;
 - (7) any other reason specified by law; or
 - (8) failure of the Council Member, without good cause, to perform any of the duties of a Council Member for a period of 90 days.

Subd. 2. Declaration of Vacancy. When a vacancy occurs, the Council must by resolution, at a regular or special Council meeting, declare the vacancy to exist.

Subd. 3. Procedure Following Council Vacancy.

- (1) If 90 days or less remain in the Council Member's term after the vacancy, the person elected to that office for the term commencing on January 1 of the next year must be appointed by the Council to fill the remaining portion of the unexpired term at the next regular Council meeting following the declaration of the results of the election with the City Clerk. The appointment must be the first order of business of such meeting.
- (2) If less than 365 days and more than 90 days remain in the Council Member's term of office after the vacancy, the Council must appoint an eligible person to fill the vacancy for the unexpired term. If the Council fails to agree upon an appointee to fill the vacancy within 30 days after the vacancy, the Mayor will appoint a person to fill the vacancy.
- (3) If 365 days or more remain in the Council Member's term of office after the vacancy, the Council must call a special election to fill the vacancy for the balance of the Council member's term. The special election will be called at the same Council meeting at which the vacancy is declared to exist or at the next regular Council meeting following the death or resignation of a Council Member, as the case may be. The special election must be held on the first date authorized by state law. The election to fill the unexpired term must be in accordance with the provisions of Section 4.03, except that there will be no primary election and the candidate receiving the highest number of votes will be elected to fill the unexpired term.

The term of the person so elected will start as soon as the declaration of the results has been filed with the City Clerk and the person has qualified for office. (Amended, Bill No. 1992-10)

Section 2.06. The Mayor.

Subdivision 1. The Mayor will be the presiding officer of the Council, except that the Council must choose from its members a president pro tem who will hold office at the pleasure of the Council and will serve as Mayor in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor will have a vote as a member of the Council and will exercise all powers and perform all duties conferred and imposed upon the office by this Charter, the ordinances of the City, and the laws of the state. The Mayor will be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law. The Mayor may study the operations of the City government and will report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency the Mayor may confer with the City manager, police chief, and fire chief as part of the emergency response system to communicate with the public and to aid in identifying resources to assist the police and fire departments, to maintain order and enforce the law and to respond to the emergency including, but not limited to, requesting assistance from federal, state, and local agencies as may be needed. If time and circumstances allow, in the Mayor's discretion, the Mayor will consult with the Council prior to conferring with City staff.

Subd. 2. Vacancy in Office of Mayor.

- (1) Existence, Declaration. A vacancy in the office of Mayor will be declared upon the same grounds and by the same procedure as provided in Section 2.05 for Council Members.
- (2) Procedure Following Vacancy. Following a vacancy in the office of Mayor, the Mayor pro tem must assume the duties of Mayor until a Mayor is elected. The Mayor pro tem's duties will be in addition to that person's duties as Council Member. Such person will have only one vote with respect to all matters which are voted upon by the Council. If less than 365 days remain in the unexpired term of office following the vacancy in the office of Mayor, the Mayor pro tem will assume the duties of Mayor for the unexpired term. If 365 days or more remain in the unexpired term following the vacancy in the office of Mayor, a special election must be called at the regular Council meeting at which the declaration is made or at the next regular Council meeting following the death or resignation of the Mayor, as the case may be, and the election will be held on the first date authorized by state law. The election to fill the unexpired term will be in accordance with the provisions of Section 4.03, except that there will be no primary election and the candidate receiving the highest number of

votes will be elected to fill the unexpired term. The term of the person so elected will start as soon as the declaration of the results has been filed with the City Clerk and the person qualifies for office.

(Amended, Bill No. 1992-10)

Section 2.07. Salaries.

The Mayor and the members of the Council will receive payment as set by ordinance. No change in salary may take effect until after the next succeeding municipal election. The City Manager and all subordinate officers and employees of the City will receive such salaries or wages as may be fixed by the Council.

(Amended, Bill 1982-19)

Section 2.08. Investigation of City Affairs.

The Council and the City Manager, or either of them, and any officer or officers formally authorized by them, or either of them, will have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The Council must provide for an audit of the City's accounts at least once a year by the state department in charge of such work or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City government and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.09. Interference with Administration.

The Council may by ordinance establish a merit system in all or part of the City administration, but neither the Council nor any of its members will dictate the appointment of any person to office or employment by the City Manager except as provided in Chapter 6 of this Charter. Except for the purpose of inquiry, the Council and its members will deal with and control the administrative service solely through the City Manager, and neither the Council nor any member thereof will give orders to any of the subordinates of the City Manager, either publicly or privately.

CHAPTER 3. PROCEDURE OF COUNCIL

Section 3.01. Council Meetings.

Newly elected members of the Council will assume their duties at the first regular or special meeting of the Council in January following a regular municipal election. Thereafter, the Council will meet at the times each month as established by ordinance or resolution. The Mayor or any two members of the Council may call special meetings of the Council upon at least

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twelve hours' notice to each member of the Council. The Mayor or any two members of the Council may call an emergency meeting upon notice, as practicable, to each member of the Council. The notice to Council members of a meeting may be by personal delivery, telephone, or other electronic means as may be needed to ensure they receive notice. Meetings of the Council are public, except as otherwise permitted or required by law. Any person may inspect the minutes and records of the meetings at reasonable times.

(Amended, Bill 1990-13; Bill No. 2003-20)

Section 3.02. Secretary of Council.

The City Clerk will act as secretary of the Council and is to keep a journal of Council proceedings and such other records and perform such other duties as may be required by this Charter or as the Council may require. The Council will choose such other officers and employees as may be necessary to serve at its meetings. In the absence of the City Clerk the Council may designate any other official or employee of the City (except the City Manager or a member of the Council) to act as secretary of the Council.

(Amended, Bill 1990-13)

Section 3.03. Rules of Procedure and Quorum.

The Council will determine its own rules and order of business. A majority of all members will constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. Ordinance, Resolutions and Motions.

Except as otherwise provided in this Charter, all legislation must be by ordinance. The aye and no vote on ordinances, resolutions, and motions will be recorded. An affirmative vote of a majority of all the members of the Council will be required for the passage of all ordinances and resolutions, except as otherwise provided in this Charter.

Section 3.05. Procedure on Ordinances.

The enacting clause of all ordinances must be in the words "City of Richfield does ordain". Every ordinance must be presented in writing. Except for an emergency ordinance, every ordinance must be introduced at a meeting that occurs no less than fourteen (14) days before the meeting at which the ordinance is finally passed.

(Amended, Bill 1981-33, Bill No. 1998-5; Bill No. 2003-21)

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 the emergency is defined and declared in a preamble thereto, and is adopted by a unanimous vote of the Council Members present. No prosecution will be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 3.07. Procedure on Resolutions.

Every resolution must be presented in writing and, when requested by any member of the Council, will be read in full before a vote is taken thereon.

Section 3.08. Signing and Publication of Ordinances and Resolutions.

Every ordinance or resolution passed by the Council will be signed by the Mayor, or acting Mayor, attested by the City Clerk, and filed and preserved. Every ordinance, or an approved summary, will be published at least once in the official newspaper.

Section 3.09. When Ordinances and Resolutions Take Effect.

Resolutions, interim ordinances adopted pursuant to Minnesota Statutes, Section 462.355, and emergency ordinances are effective immediately upon passage or at such later date as is fixed in the ordinance or resolution. An ordinance that is expressly excepted from referendum under section 5.01 of this Charter is effective on the day following publication or such later date as is fixed in it. Every other ordinance is effective on the 30th day after the day of publication or at such later date as is fixed therein. Every ordinance adopted by the voters of the City is effective immediately upon its adoption, or at such a later time as fixed therein.

(Amended, Bill 1974-7; Bill No. 2013-7)

Section 3.10. Amendment and Repeal of Ordinances.

Every ordinance repealing a previous ordinance, section, or subdivision thereof must give the number, if any, and the title of the ordinance to be repealed in whole or in part. No ordinance, section, or subdivision thereof will be amended by reference to the title alone. Such an amending ordinance must set forth in full each section or subdivision to be amended and must indicate new matter by underscoring and old matter to be omitted by lining it through.

(Amended, Bill 1982-4)

Section 3.11. Codification and Publication of Ordinances.

The City will codify and publish an ordinance code through electronic means, books, pamphlets or continuous reference loose leaf form. Copies will be made available by the Council at the office of the City Clerk for general distribution to the public free or at a reasonable charge.

Section 3.12. Summary Publication of Ordinances.

If the City Council determines that publication of the complete text of an ordinance is not worth the expense and that a summary would clearly inform the public of the intent and effect of the ordinance, the Council may, by a unanimous vote, direct that only the title of the ordinance and a summary be published with notice that printed copies of the ordinance are available to any person during regular office hours at the office of the City Clerk and any other location which the Council designates. Prior to the publication of the title and summary, the Council must approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance.

(Amended, Bill 1981-33)

Section 3.13. Electronic Signatures.

The City may establish policies and procedures in accordance with law to allow for the use of electronic or facsimile signatures by anyone authorized to sign documents on behalf of the City and for the acceptance of documents signed electronically.

CHAPTER 4. NOMINATIONS AND ELECTIONS

Section 4.01. The Regular Municipal Election.

The regular municipal election will be held on the first Tuesday after the first Monday in November of each even numbered year at such place or places as the City Council may designate. The City Clerk must give at least 14 days' notice of the time and place of holding such election, the officers to be elected, and such other information as required by law. The notice must be posted in the Richfield Municipal Center and on the City website and published at least once in the official newspaper, but failure to give such notice will not invalidate such election.

(Amended, Bill 1994-4; Bill No. 2013-6)

Section 4.02. Primary Election.

On such dates that are authorized by law, there will be a primary election for the selection of two nominees for each elected office at the regular municipal election unless no more than two nominees file for each elective office. Notice of the primary election is given in the same manner as provided in section 4.01 for regular elections, except that notice of a primary election must also be posted in at least one public place in each voting precinct. Failure to give such notice will not invalidate such election.

(Amended, Bill 1975-12; Bill 1994-4; Bill 2010-3)

Section 4.03. Special Elections.

The Council may by resolution order a special election and provide all means for holding it. Notice of a special election is given in the same manner as provided in section 4.01 for regular elections, except that notice of a special election must be published for at least two consecutive weeks in the official newspaper. The procedure of such election must conform as nearly as possible to that prescribed for other municipal elections. Special elections will be held on dates as authorized by law.

Section 4.04. Nomination by Petition.

All candidates for elective office provided for by this Charter must be nominated by petition. The name of any registered voter of the City must be printed upon the ballot as a candidate for an office whenever a petition signed by at least ten registered voters has been filed with the City Clerk in a candidate's behalf within the time period provided by state law for such filings. No registered voter may sign petitions for more candidates for any office than the number of persons to be chosen for that office at the election; should a signer do so, the signer's signature will be void as to the petition or petitions last filed. Each petition presented must be accompanied by a twenty-five dollar (\$25.00) filing fee.

(Amended, Bill 1987-8, Bill 1994-4)

Section 4.05. Nomination Petitions.

Nomination petitions must substantially comply with the following form:

We, the undersigned registered voters of the City of Richfield, hereby nominate, _____ whose residence is _____, for the office of _____, to be voted for at the primary election to be held on the _____ day of _____, 20____, and/or the regular municipal election to be held on the _____ day of _____, 20____, and we individually certify that we are qualified registered voters and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name Street and Number

_____, being duly sworn, deposes and says that he or she is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be. (Amended, Bill 1990-13)

Signed: _____

Subscribed and sworn to before me this _____ day of _____, 20____,

Notary Public

This petition, if found insufficient by the City Clerk, will be addressed to _____ at _____ (address).

I hereby indicate my willingness to accept the office of _____ if elected.

Signed: _____

Section 4.06. Withdrawal of Candidate.

Any person whose name has been presented in the manner provided for in the foregoing section as a candidate may, not later than 5:00 p.m. two days after the last day for filing, cause his or her name to be withdrawn from nomination by filing with the City Clerk a request to do so in writing, and no name so withdrawn will be printed upon the ballot.

(Amended, Bill 1990-13, 2010-3)

Section 4.07. Canvass of Elections.

The Council must meet and canvass the election returns at the next regular or special Council meeting immediately following any regular, primary, or special election but in no event later than the time prescribed by state law, and must make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. This statement must include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the correct vote for each candidate, with an indication of those who were elected or nominated; (d) the names of the judges and clerks of election; and (e) such other information as may seem pertinent. The City Clerk must promptly notify all persons elected or nominated of their election or nomination. In case of a tie vote, the Council must determine the result by lot. The City Clerk is the final custodian of the ballots.

(Amended, Bill 1975-12; Bill No. 2003-21; Bill No. 2013-6)

Section 4.08. Procedure at Elections.

The City Council may by ordinance adopt such rules and regulations as may be necessary or desirable to regulate the conduct of elections subject to the provisions of this Charter and the laws of the State of Minnesota when applicable.

CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL

Section 5.01. Powers Reserved by the People.

The people of Richfield reserve to themselves the powers of initiative, referendum, and recall, to be exercised, in accordance with the provisions of this Charter. Initiative is the process for voters to propose and adopt an ordinance. Referendum is the process to require an ordinance passed by the council to be referred to the voters for approval or disapproval. Recall is the process for removing an elected public official from office. Initiative and referendum may not be used with an ordinance that appropriates money, authorizes the levy of taxes, or involves land use or zoning.

(Amended, Bill 1982-20; Bill No. 2013-7)

Section 5.02. (Repealed, Bill No. 2013-7)

Section 5.03. Further Regulations.

The Council may provide by ordinance such further regulations for the initiative, referendum, or recall, not consistent with this Charter, as it deems necessary. (Amended, Bill 1982-20)

Section 5.04. Initiation of Measures.

Any ten (10) residents of the City who are registered voters may form themselves into a sponsoring committee for the initiation of an ordinance as permitted by section 5.01 of this Charter. Before circulating any petition, the committee must file an affidavit and its proposed petition with the City Clerk. The affidavit must state that a committee has been formed, must contain the names and addresses of the committee members, and must be signed by each member of the committee, whose signatures must be verified by a notary public. The committee must also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with the committee members' names and addresses as sponsors. The ordinance must relate to only one (1) subject which is clearly expressed in the petition. Every circulator of a signature paper must be a resident of the state of Minnesota. (Amended, Bill No. 2013-7)

Section 5.05. Form of Petition and of Signature Papers.

The petition for the adoption of any ordinance must consist of the ordinance, together with all the signature papers and affidavits attached. A petition is not complete unless signed by a number of registered voters equal to at least five (5) percent of the total number of registered voters at the time of the last regular municipal election. All the signatures need not be on one (1) signature paper, but the circulator of every signature paper must make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper must be in substantially the following form:

INITIATIVE PETITION

Proposing an ordinance to _____ (Stating the Purpose of the Ordinance). A certified copy of the proposed ordinance is attached.

Sponsoring Committee

This ordinance is sponsored by the following committee of City of Richfield residents who are registered voters:

	<u>Name</u>	<u>Address</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Instructions to Petition Signers

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

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

	Date	Legal Signature	Name (print legibly)	Address (print legibly)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

(The affidavit of the circulator must be attached at the end of each signature paper.)

(Amended, Bill No. 2013-7)

Section 5.06. Filing of Petition and Action Thereon.

All the signature papers must be filed in the office of the City Clerk as one (1) instrument. Within ten (10) working days after the filing of that petition, the City Clerk must ascertain by examination, the number of registered voters in the City whose signatures are attached and whether this number is at least five (5) percent of the total number of registered voters at the time of the last regular municipal election. The validity of the signatures must be judged as of the day the petition was filed. If the City Clerk finds the petition to be insufficient or irregular, the City Clerk must at once notify one (1) or more of the sponsoring committee of that fact, certifying the reasons for the finding. The committee will then be given 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 City Clerk must file the petition in the City Clerk's office and notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition does not prejudice the filing of a new petition for the same purpose, nor does it prevent the Council from referring the ordinance to the voters at the next regular or special election at its option.

(Amended, Bill 1990-13; Bill No. 2013-7)

Section 5.07. Action of Council on Petition.

When the petition is found to be sufficient, the City Clerk must so certify to the Council at its next meeting, stating the number of valid signatures on the petition and the percentage of the total number of registered voters at the time of the last regular municipal election which they constitute. The Council will at once read the ordinance and may refer it to an appropriate committee. The committee or Council must hold a public hearing upon the ordinance. After the public hearing, but not later than 65 days after the City Clerk submitted the ordinance to the Council, the Council must take final action on the ordinance. 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 sponsors, the proposed ordinance must be submitted by the Council to a vote at the next regular municipal election, but if the number of valid signatures on the petition is equal to at least 15 percent of the total number of registered voters at the time of the last regular municipal election, the Council must call a special election upon the measure. Such special election must be held on the first date authorized by state law. If the Council passes the proposed ordinance with amendments and at least four-fifths of the sponsoring committee do not express their dissatisfaction with such amended form by a statement filed with the City Clerk, within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the voters.

(Amended, Bill No. 2013-7)

Section 5.08. Initiative Ballots.

The ballots used when voting upon any such proposed ordinance must state the substance of the ordinance and must give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the votes on any such ordinance are in favor of it, it becomes an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the voter must be allowed to vote for or against each separately. In case of inconsistency between two (2) initiated ordinances approved at one (1) election, the one (1) approved by the higher percentage of voters voting on the question prevails to the extent of the inconsistency.

(Amended, Bill No. 2013-7)

Section 5.09. Amendment or Repeal.

Any ordinance adopted by the vote of the people cannot be repealed or amended except by the vote of the people or by the unanimous vote of all members of the Council.

Section 5.10. Initiation of Charter Amendments.

Nothing in this Charter will be construed as in any way affecting the right of the registered voters under the constitution and statutes of Minnesota to propose amendments to this Charter.

Section 5.11. The Referendum.

If prior to the date when an ordinance takes effect a petition signed by qualified registered voters of the City equal in number to ten (10) percent of the total number of registered voters at the time of the last regular municipal election is filed with the City Clerk requesting that any such ordinance be repealed or submitted to a vote of the registered voters, the ordinance is prevented from going into operation. All the signature pages must be filed as one (1) instrument. The City Clerk must ascertain by examination the sufficiency of the petition within ten (10) working days and must certify the results of that examination to the Council at its next regular meeting. The Council must thereupon reconsider the ordinance, and by majority vote either repeal or affirm the ordinance as passed. If the ordinance is affirmed, the Council must immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance remains suspended. If a majority of the voters voting on the ordinance is opposed to the ordinance, it does not become effective; but if a majority of the voters favor the ordinance, it takes effect immediately or on the date therein specified.

(Amended, Bill No. 2013-7)

Section 5.12. Referendum Petition.

The requirements in Sections 5.04 and 5.05 as to the formation of committees, the form of petitions and signature papers, and residency requirements for committee members and circulators, for the initiation of ordinances will apply to the referendum but with such changes as may be necessary.

A referendum petition must read substantially as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to _____ (stating the purpose of the ordinance). A certified copy of the ordinance is attached.

Sponsoring Committee

The proposed repeal is sponsored by the following committee of City of Richfield residents who are registered voters:

	<u>Name</u>	<u>Address</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Instructions to Petition Signers

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

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

	Date	Legal Signature	Name (print legibly)	Address (print legibly)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

(The affidavit of the circulator must be attached at the end of the list of signatures.)

(Amended, Bill No. 2013-7)

Section 5.13. Referendum Ballots.

The ballots used in any referendum election will conform to the rules in Section 5.08 of this Charter for initiative ballots.

Section 5.14. The Recall.

No less than 25 registered voters may form themselves in a committee for the purpose of bringing about the recall of any Council Member including the Mayor. If the committee seeks the recall of a ward Council Member, the registered voters constituting the committee must be from the Council Member's ward. The committee must certify to the City Clerk the name of the Council Member whose removal is sought, a statement of the grounds for removal in not more than 250 words, and the committee's intention to bring about his or her recall. A copy of this certificate must be attached to each signature paper and no signature paper may be put into circulation previous to such certification.

The grounds as set forth in the recall petition must be predicated on one (1) or more charges of malfeasance, nonfeasance, or both. For this purpose the word "malfeasance" means the performance of an act by a Council Member in his or her official capacity that is wholly illegal and wrongful and the word "nonfeasance" means the neglect or refusal, without sufficient excuse, to do that which it is the Council Member's legal duty to do so.

(Amended, Bill No. 2013-7)

Section 5.15. Recall Petitions.

The petition for the recall of any Council Member must consist of a certificate identical to that filed with the City Clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one (1) signature paper, but the circulator of every signature paper must make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper must be in substantially the following form:

RECALL PETITION

Proposing the recall of _____ from the office as _____ which recall is sought for the reasons set forth in the attached certificate.

Sponsoring Committee

This movement is sponsored by the following committee of registered voters eligible to vote on candidates for that office.

	<u>Name</u>	<u>Address</u>
--	-------------	----------------

(Supp. No. 31)

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1.	_____	_____
2.	_____	_____
3.	_____	_____
[listing all members of the committee]		

Instructions to Petition Signers

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

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

	Date	Legal Signature	Name (print legibly)	Address (print legibly)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

The affidavit of the circulator must be attached at the end of the list of signatures.

(Amended, Bill 1982-20; Bill No. 2013-7)

Section 5.16. Filing of Petition.

Within 30 days after the filing of the original certificate, the committee must file the completed petition in the office of the City Clerk. The City Clerk must examine the petition within the next ten (10) working days and if the clerk finds it irregular in any way, or finds that the number of signers is less than 25 percent of the total number of registered voters eligible to vote on candidates for that office at the last preceding regular municipal election, the City Clerk must so notify one (1) or more members of the committee. The committee s will then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but the committee may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, the clerk must notify all the members of the committee to that effect and file the petition in the City Clerk's office. No further action will be taken thereon.

(Amended, Bill No. 2013-7)

Section 5.17. Recall Election.

If the petition or amended petition is found sufficient, the City Clerk must transmit it to the Council without delay and must also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. If the Council Member sought to be recalled does not resign within ten (10) days after having been given such notice, the Council will, at its next meeting occurring more than ten (10) days after the receipt by the Council of the recall petition, by resolution, provide for the holding of a special recall election on the first date authorized by state law. If the special recall election involves one (1) or more ward Council Member(s), the recall election must be conducted only within the ward(s) of the affected Council Member(s). If it involves a Council Member who is elected at large, the election must be a City-wide election.

(Amended, Bill No. 2013-7)

Section 5.18. Procedure at Recall Election.

The City Clerk must include with the published notice of the election the statement of the grounds for recall and, in not more than 500 words, the answer of the Council Member concerned in justification of his or her course in office. The election must be conducted, as far as possible, in accordance with the usual procedure in municipal elections.

(Amended, Bill No. 2013-7)

Section 5.19. Form of Recall Ballot.

The form of the ballot at such election must be: "Shall _____ be recalled?" The name of the Council Member whose recall is sought and his or her office must be inserted in the blank. The electors must be permitted to vote separately "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall, the official will be thereby removed from office.

(Amended, Bill 1992-10; Bill No. 2013-7)

Section 5.20. Procedure to Fill Vacancy.

In the event that a Council Member is recalled by the electors or resigns after a petition has been filed for his or her recall, the vacancy must be filled in the following manner:

If less than 180 days remain in the Council Member's term of office at the time of the recall election or at the time of resignation in response to a recall petition, as the case may be, the vacancy must be filled by the remaining members of the City Council for the unexpired term pursuant to Section 2.05.

If 180 days or more remain in the Council Member's term at the time of such recall or resignation, the Council must call a special election to fill the vacancy for the balance of the Council Member's term. Such election must be called within ten (10) days after such recall or resignation, and the special election must be held in accordance with state law. Candidates to fill the unexpired term must be nominated in the usual way and the election must be conducted, as far as possible, in accordance with procedures in municipal elections except that there will be no primary election and the candidate receiving the highest number of votes for the office will be elected to fill the unexpired term.

(Amended, Bill 1992-10; Bill No. 2013-7)

Section 5.21. Term.

The term of the candidate selected by the voters at the regular or special election to fill the unexpired term will start as soon as the declaration of the results has been filed with the City Clerk, and the person has qualified for office.

(Amended, Bill 1992-10)

Section 5.22. Offenses; penalty.

It is unlawful for a person to:

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

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

(Added, Bill No. 2013-7)

CHAPTER 6. ADMINISTRATION OF CITY AFFAIRS

Section 6.01. The City Manager.

The City Manager is the chief executive and head of the administrative branch of the City government and will be chosen by the Council solely on the basis of training, experience, and administrative qualifications. The City Manager will be appointed for an indefinite period and may be removed by the Council at any time; but if removal occurs after one year or more of service, the Manager may demand written charges and a public hearing before the date of final removal takes effect. Written charges, if demanded, must be furnished a reasonable time before the public hearing. After such hearing, if one is demanded, the Council will have unlimited discretion either to reinstate the Manager or make removal final. Pending such hearing and removal, the Council may suspend the Manager from office. The Council may designate a properly qualified person to perform the duties of the Manager during the Manager's absence, disability, suspension, or while the office of the Manager is vacant.

(Amended, Bill 1990-13; Bill No. 2003-22)

Section 6.02. Powers and Duties of the City Manager.

Subdivision 1. Subject to the provisions of this Charter, any Council regulations consistent therewith, and any other applicable laws, the City Manager will control and direct the administration of the City's affairs. The City Manager will have the powers and duties set forth in the following subdivisions:

(Amended, Bill 1990-13)

Subd. 2. The City Manager will see that this Charter and the laws, ordinances and resolutions of the City are enforced.

(Amended, Bill 1990-13)

Subd. 3. The City Manager will appoint and remove, upon the basis of merit and fitness and subject to applicable civil service provisions, if any, the City Clerk, all heads of departments and all subordinate officers and employees in the departments. Appointment or removal of department heads will be made final only upon a majority vote of the Council.

(Amended, Bill 1981-35; Bill No. 2003-21)

Subd. 4. The City Manager will exercise control over all departments and divisions of the City administration created by this Charter or by the Council.

(Amended, Bill 1990-13)

Subd. 5. The City Manager will recommend to the Council for adoption such measures as he or she may deem necessary for the welfare of the people and the efficient administration of the City's affairs.

(Amended, Bill 1990-13)

Subd. 6. The City Manager will attend all meetings of the Council with the right to take part in the discussion, but not to vote. The Council may exclude the Manager from any meeting at which the Council is considering the Manager's dismissal. (Amended, Bill 1990-13)

Subd. 7. The City Manager will keep the Council fully advised as to the financial condition and needs of the City and will prepare and submit to the Council the annual City budget.

(Amended, Bill 1990-13)

Subd. 8. The City Manager will prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure, and from time to time will suggest amendments to such code.

(Amended, Bill 1990-13)

Subd. 9. The City Manager will perform such other duties as may be prescribed by this Charter or by law or required by ordinance or resolutions adopted by the Council.

(Amended, Bill 1990-13)

Section 6.03. Departments of Administration.

The Council may create such departments, divisions, and bureaus for the administration of the City's affairs as it may deem necessary, and from time to time alter their powers and organization. It will, together with the City Manager, prepare and enact a complete administrative code in the form of an ordinance, which may be amended from time to time by ordinance. The Council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

Section 6.04. Right of City Manager and Other Officers in Council.

The City Manager will have the right to take part in the discussion of all matters coming before the Council, except as provided in Section 6.02, Subdivision 6, and the department heads and other officers will be entitled to take part in all discussions of the Council relating to their respective offices and departments.

Section 6.05. Purchases and Contracts.

City contracts must be made in compliance with state law and this Charter. Where the amount of a contract is more than the dollar amount contained in Minnesota Statutes, Section 471.345, Subd. 3 the contract must be approved by the City Council upon the recommendation

of the City Manager. When contracts are competitively bid, the Council may reject any and all bids. The City Manager may approve contracts in an amount equal to or less than the dollar amount contained in Minnesota Statutes, Section 471.345. Subject to the provisions of the Charter, and other applicable law, the Council may by ordinance or by resolution adopt further regulations for making of bids and letting of contracts.

(Amended, Bill 1987-21; Bill 1996-5; Bill No. 2013-8)

Section 6.06. (Repealed, Bill 1996-5)

CHAPTER 7. TAXATION AND FINANCES

Section 7.01. Council to Control Finances.

Subdivision 1. The Council controls the financial affairs of the City. The Council must provide for (i) the prompt collection of revenues, (ii) the preservation of assets, (iii) the auditing of City accounts, and (iv) the safekeeping and proper disbursement of public monies.

Subd. 2. The City must spend public funds only for public purposes. The Council may provide by ordinance or by resolution that certain expenditures serve a public purpose consistent with state law. A resolution will be effective only for the fiscal year in which it is adopted.

(Amended, Bill No. 2003-23; Bill No. 2013-9)

Section 7.02. Fiscal Year.

The fiscal year of the City is the calendar year.

(Amended, Bill No. 2003-23)

Section 7.03. System of Taxation.

Subject to the state constitution, and except as forbidden by it or by state law, the Council may provide by resolution, preceded by notice and public hearing, for a system of local taxation. In the taxation of real and personal property the system of local taxation must conform as fully as possible to state law in the valuation of property and the collection of the taxes.

(Amended, Bill No. 2003-23)

Section 7.04. (Repealed, Bill No. 2003-23)

Section 7.05. Preparation and Submission of Annual Budget.

At a special budget meeting of the Council on or before September 15, the City Manager must submit to the Council a proposed budget and a budget message in the form and containing the information specified in Section 7.06. In preparing the budget and the budget message, the Manager must obtain from City department heads information regarding (i) proposed expenditures for the ensuing fiscal year, and (ii) capital projects and capital expenditures proposed to be undertaken in the ensuing budget year and in the following four fiscal years. The Council must hold one or more informational meetings on the proposed budget at which the public may provide comments and may thereafter revise the proposed expenditures and capital projects contained in the proposed budget document.

(Amended, Bill 1990-13; Bill No. 2003-23)

Section 7.06. Form of Annual Budget.

Subdivision 1. The budget must contain a financial plan for the ensuing fiscal year. The financial plan must include: (i) a budget message, (ii) a general summary of the financial plan, (iii) estimates of revenues applicable to proposed expenditures, and, (iv) proposed expenditures. Proposed expenditures may not exceed proposed revenues. Proposed expenditures for the general and special revenue funds must (i) be listed by organization, unit or activity, and (ii) be in parallel columns opposite the major and minor object of the expenditure showing the amount of expenditure for the last fiscal year, the amount estimated for the current fiscal year and the proposed expenditure for the ensuing fiscal year. The revenues attributable to each general and special fund must be presented in a similar manner. The statement of revenues must include the source of and amount of miscellaneous revenues, the amount of surplus of prior fiscal year revenues, and the amount of revenues raised by property taxes in the prior fiscal year and estimated to be raised in the current fiscal year.

(Amended, Bill 1990-13; Bill No. 2003-23)

Subd. 2. The Budget Message. The budget message may be submitted by the Manager as a separate document but it must accompany the budget. The message must contain the following elements:

(Amended, Bill No. 2003-23)

(i) **Current operations.** The budget message must explain the budget. The message must contain an outline of the proposed financial position of the City for the ensuing fiscal year and the important features of the financial plan of the City. The message must give reasons for major changes in expenditures and revenues from the prior fiscal year and explain the rationale for major changes, if any, from previous financial policies of the City.

(Amended, Bill 2003-23)

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- (ii) Capital Improvements. The message must contain a description of pending and proposed capital projects together with estimates of the costs of those projects and the sources of funds to be used to pay for them.

(Amended, Bill 2003-23)

- (iii) Capital Program. The message must contain, or have attached to it, a Capital Project Plan for the four fiscal years following the fiscal year of the budget. The Capital Project Plan is to be prepared by the Manager after consultation with the department heads and any informational meetings conducted under Section 7.05.

(Amended, Bill 1990-13; Bill No. 2003-23)

- (iv) Miscellaneous. The Manager must attach to or include in the budget message supporting schedules, exhibits and other data believed by the Manager to be appropriate and informative.

(Amended, Bill No. 2003-23)

Section 7.07. Adoption of Budget.

At the conclusion of the special budget meeting the Council must set a public hearing on the budget to be held after published notice not less than seven nor more than 14 days after the date of publication. The budget must be kept available to the public in the Clerk's office. The public hearing on the budget must be conducted in a way to give interested persons an opportunity to be heard. The Manager must explain the various elements of the budget as fully as is deemed necessary by the Council. The budget resolution must set out the total established for each fund and department with such other information deemed necessary by the Council. The budget resolution must also state the amount of property and other taxes to be levied to fund the budget.

(Amended, Bill No. 2003-23)

Section 7.08. Enforcement of the Budget.

The Manager must enforce the provisions of the budget. The Manager may not authorize or approve any expenditure unless an appropriation has been made in the budget resolution and there is an available unencumbered balance of the appropriation sufficient to pay the liability to be incurred. An officer or employee of the City may not place an order or make a purchase except for the purposes authorized in the budget. An obligation incurred by a person in the employ of the City for a purpose not in the approved budget or for an amount in excess of an amount appropriated in the budget resolution or in excess of available monies in a fund of the City is a personal obligation of the person incurring the obligation

(Amended, Bill 1990-13; Bill No. 2003-23)

Section 7.09. Altering or Adjusting the Budget.

After the budget has been adopted the Council may not increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, in an amount more than the estimated revenues unless the actual receipts exceed the estimates and then not more than the actual receipts. The Council may, by resolution reduce the sums appropriated for any purpose by the budget resolution. Within three months following the close of the fiscal year, the Council, at the request of the Manager, may transfer unencumbered appropriation balances for that fiscal year from one office, department, or agency to another within the same fund. Appropriations lapse at the end of the budget year to the extent that they have not been expended or encumbered.

(Amended, Bill No. 2003-23)

Section 7.10. Emergency Appropriation in Budget.

The Council may include an emergency appropriation as a part of the budget, but such appropriation may not exceed three percent of the total operating appropriations made in the budget for that year. A transfer from the emergency appropriation to another appropriation may be made by resolution on recommendation of the City Manager or a member of the Council. The funds so appropriated may be used only for the purposes designated by the Council.

(Amended, Bill No. 2003-23)

Section 7.11. Disbursements. How Made.

Except as otherwise provided in this section, disbursements of City funds may be made only by check bearing the actual or facsimile signature of the Manager and the treasurer. A check may not be issued unless the claim to which it relates specifies the purpose for which the disbursement is made and the fund upon which it is drawn, and the claim has been supported by an itemized bill, payroll, or time sheet approved and signed by the responsible City officer who vouches for the correctness and reasonableness of the claim. The Council may by ordinance make further regulations for the safe-keeping and disbursement of the funds of the City, including, the disbursement of funds for the payment of bills and obligations by electronic means.

(Amended, Bill No. 2003-23)

Section 7.12. Funds to be Kept.

The City treasury must maintain the funds provided for in this section.

(Amended, Bill No. 2003-23)

Subdivision 1. General Fund. The General Fund is established for the payment of general government expenses and those obligations that the City deems proper. Monies not otherwise designated by statute, ordinance, or this Charter to be paid into any other fund must be paid into this fund.

(Amended, Bill No. 2003-23)

Subd. 2. Liquor Special Revenue Fund; Other Special Revenue Funds. A Liquor Special Revenue Fund is established into which (i) net revenues (i.e., gross revenues less costs of operation, maintenance, and pledged revenues) of the municipal liquor store, (ii) proceeds of special tax levies to support the fund, and (iii) other special revenues so designated by the Council must be paid. Expenditures from the Liquor Special Revenue Fund may be made only as authorized by the budget resolution. Monies in the fund may be expended for capital improvements only if authorized by ordinance. The Council may, by resolution, establish other special revenue funds and provide for the expenditure of those funds.

(Amended, Bill No. 2003-23)

Subd. 3. Utility; Enterprise Funds. One or more utility or public service enterprise funds must be established into which (i) the gross revenues of the appropriate utility or enterprise, (ii) the proceeds of the sale of assets of the utility or enterprise, and (iii) the proceeds of bonds or other obligations issued for the purposes of the utility or enterprise must be paid. The costs, including the financing costs of the purchase, construction, operation, maintenance and repair of the utility or enterprise and other revenues as directed by the budget resolution must be paid out of this fund. Separate funds must be established and kept for each separate utility or enterprise.

(Amended, Bill No. 2003-23)

Subd. 4. Trust and Agency Funds. One or more trust and agency funds for the care and disbursement of money received and held by the City as trustee or custodian, or in the capacity of an agent for individuals, or other governmental units must be established.

(Amended, Bill No. 2003-23)

Subd. 5. Discretionary Fund. A Discretionary Fund must be established for payment of reasonable and necessary expenses not otherwise payable by the City as compensation and incurred by the Mayor and Council Members for the benefit of the City. Appropriations to, and expenditures from, this fund must be in the amounts fixed in the budget resolution. The Council may, by resolution, establish the purposes and procedures for the making of disbursements from this fund, including disbursements made without previous Council authorization. Such disbursements are subject to audit and allowance by the Council.

(Amended, Bill 1968-16, Bill 1990-13; Bill No. 2003-23)

Subd. 6. In addition to the foregoing funds, the City treasury may maintain, (i) one or more working capital or revolving funds for financing self-sustaining activities not accounted for through other funds; and (ii) such other funds as may be required by law, ordinance, or the Charter.

(Amended, Bill No. 2003-23)

Subd. 7. Council may make interfund loans by resolution where permitted by law except from Trust and Agency funds.

(Amended, Bill No. 2003-23)

Section 7.13. Accounts and Reports.

The accounts of the City must be maintained on an accrual or modified accrual basis in accordance with generally accepted governmental accounting standards and procedures. The Manager must submit such reports as are necessary to keep the Council fully informed of the financial condition of the City. Once each year on or before June 30, the City Manager must submit a complete financial report of the City for the preceding fiscal year ending December 31, a summary of which must be published in the official newspaper. The Manager, under the direction of the Council, on or before June 30, must prepare at least one comprehensive public information report of the financial affairs of the City. The Manager must distribute the report to the persons and organizations and in the manner deemed advisable by the Manager.

(Amended, Bill No. 2002-2; Bill No. 2003-23)

Section 7.14. City Indebtedness.

Except as provided in Sections 7.15 and 7.16, obligations may not 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 state law, obligations may not be issued and sold without the approval of the majority of the voters of the City voting on the question at a general or special election. Before submitting a question to the voters under this Section, the Council must conduct at least one public hearing on the question preceded by published notice not more than 28 days nor less than 14 days prior to the hearing.

(Amended, Bill No. 1993-7; Bill No. 2003-23)

Section 7.15. Tax Anticipation Certificates.

At any time after January 1, following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity may not exceed 90% of the total current taxes for the fund

uncollected at the time of issuance. Certificates may be issued on such terms and conditions as the Council may determine but they will become due and payable not later than the first day of April of the year following their issuance. 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 must be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

(Amended, Bill No. 2003-23)

Section 7.16. Emergency Debt Certificates.

If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may, by resolution, issue and sell emergency debt certificates to mature within three years. Such certificates will be issued and sold in a manner determined by the Council. A tax sufficient to pay principal and interest on such certificates must be levied as required by law. The resolution authorizing an issue of such emergency debt certificates must state the nature of the emergency and be approved by a majority of all the members of the Council.

(Amended, Bill No. 2003-23)

Section 7.17. State Budget Procedure.

If state law specifies a schedule and procedure for the adoption of the budget and levy of taxes that is different from that provided in sections 7.05 through 7.07 of this charter, the schedule and procedure in state law supersedes the schedule and procedure in this charter.

(Added Bill No. 2003-23)

CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. Power to Make Improvements and Levy Assessments.

The City has the power to make any type of public improvement not forbidden by the laws of this state and to levy special assessments for all or any part of the cost of a local improvement, pursuant to the laws of the State of Minnesota.

Section 8.02. Assessments for Services.

The Council may provide by ordinance that the cost of sprinkling, snow, or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the cost of any service to other property undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

Section 8.03. Public Works; How Performed.

Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract. The City will require contractors to give bonds for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the state.

Section 8.04. Approval by Ordinance.

Any capital improvement on property owned or leased by the City, excluding street and utility rights of way, which has an estimated cost exceeding \$2,000,000.00 or expenditures for design or engineering costs exceeding \$250,000.00 must be approved by ordinance after a public hearing.

(Added, Bill No. 1998-5; Bill No. 2013-10)

Section 8.05. Notice of Public Hearings.

Notice of public hearings required by Section 8.04 must be published at least twice in the official newspaper within fourteen (14) days prior to the date of the hearing. Additional notice of such public hearings may be given in such manner as the Council may determine. This notice must contain the estimated costs of the capital improvement.

(Added, Bill No. 1998-5)

CHAPTER 9. EMINENT DOMAIN

Section 9.01. Power to Acquire Property.

The City may acquire, by purchase, gift, condemnation or other lawful means, any property or property right, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose.

Section 9.02. Proceedings in Acquiring Property.

The necessity for the taking of any property by the City will be determined by the Council and will be declared by a resolution which will describe such property as near as may be possible and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the City will proceed according to the laws of this state, except as otherwise provided in this Charter.

(Amended, Bill No. 1994-4)

Section 9.03. Reserved.

Section 9.04. Reserved.

Section 9.05. Reserved.

CHAPTER 10. FRANCHISES

Section 10.01. Franchises Required.

Except as otherwise provided by law, no person, firm, or corporation may place or maintain any permanent or semipermanent 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 will be granted only by ordinance, which may not be an emergency ordinance. Every ordinance granting a franchise must contain all the terms and conditions of the franchise. The grantee will bear the costs of publication of the franchise ordinance and must make a sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

Section 10.02. Term.

No perpetual or exclusive franchise may be granted by the City.

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 must hold a public hearing on the matter. Notice of such hearing must be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

Section 10.04. Power of Regulation Reserved.

Subject to any applicable 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.

Section 10.05. Renewals or Extensions.

Every extension, renewal, or modification of any existing franchise or of any franchise granted thereafter will be subject to the same limitations and will 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 may not be an emergency ordinance. The operation of all public utilities owned by the City will be under the supervision of the City Manager.

Section 11.02. Rates and Finances.

Upon recommendations made by the City Manager or upon its own motion, the Council may fix rates, fares, and prices, for municipal utilities, but such rates, fares, and prices will be just and reasonable. The Council will endeavor to make each municipal utility financially self-sustaining and may not use any municipal utility operation directly or indirectly as a general revenue-producing agency for the City. Before any rates, fares, or prices for municipal utilities may be fixed by the Council, the Council will hold a public hearing on the matter in accordance with Section 11.06. The Council will prescribe the time and the manner in which payments for all such utility services may be made and may make such other regulations as may be necessary and prescribe penalties for violation of such regulations.

Section 11.03. Purchase in Bulk.

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

Section 11.04. Lease of Plant.

The Council may, if the public interests will be served thereby, contract with a private party for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary. Such contract must be embodied in and let only by ordinance, which may

not be an emergency ordinance. In no case will such contract be for a longer term than ten (10) years.

Section 11.05. Public Utility. How Sold.

No public utility owned by the City may 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, are embodied in an ordinance approved by a majority of the registered voters voting thereon at a general or special election.

Section 11.06. Notice of Public Hearings.

Notice of public hearings required by this chapter must be published at least once in the official newspaper at least ten (10) days prior to the date of the hearing. Additional notice of such public hearings may be given in such manner as Council may determine.

CHAPTER 12. CODE OF ETHICS

Section 12.01. The term "public official" includes all elected officials, the City Manager, and all members of boards or commissions, as are authorized under this Charter.

Section 12.02. No public official may misuse such position to secure special privileges or exemptions for themselves or any other person.

Section 12.03. No public official may directly or indirectly receive or agree to receive, any compensation, gift, reward, or gratuity in payment for the performance of his or her official duties except as may be provided by law.

Section 12.04. No public official may enter into any contract with the City which is prohibited by law. Any public official who has a proprietary interest in an entity doing business with the City must make that interest known in writing to the City Council and the City Clerk.

Section 12.05. Any public official who in the discharge of said official's duties would be required to take an action or make a decision which would substantially affect such official's financial interest or those of a business with which such official is associated, unless the effect on such official is no greater than on any other citizens or other members of such official's business classification, profession, or occupation, must take the following actions:

- a. A written statement must be prepared which will include the name, address, office held, action presenting the potential conflict of interest, the nature of the financial interest, the person notified of the potential conflict of interest, the official's signature and the date;
- b. Said person must deliver copies of the statement to the City Clerk and to the official's immediate superior, if any;

- c. If a potential conflict presents itself and there is insufficient time to comply with the provisions of clauses "a" and "b" of this section, the public official must verbally inform the City Clerk and the official's superior of the potential conflict. The official must then file a written statement with the City Clerk within one week after the potential conflict presents itself which statement must state the reason for the delay.

Section 12.06. Any intentional failure to file such statement or any intentional filing of a false written or verbal statement or any intentional omission of any required information in any required statement will be unlawful and will be referred by the City Clerk or the public official's immediate superior to the City Attorney for appropriate action.

(Amended, Bill 1978-14)

CHAPTER 13. MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 13.01. Official Publications.

The Council must annually designate a legal newspaper of general circulation in the City as its official newspaper. This newspaper will publish all ordinances and other matters required by law to be published, as well as such other matters as the Council may deem it in the public interest to have published. The City may provide notices electronically as an additional form of notice or, to the extent allowed by law, as an alternative to published notices.

Section 13.02. Oath of Office.

Every elected officer of the City and any other officer so required by law must, before entering upon the duties of office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution and laws of the United States and of the State of Minnesota and the Charter and ordinances of the City of Richfield and to discharge faithfully the duties devolving upon me as (Mayor, Council Member etc.) of the City of Richfield to the best of my judgment and ability."

(Amended, Bill 1990-13, Bill 1996-6)

Section 13.03. Official Bonds.

Officers and employees of the City required by ordinance or law to supply a bond must, before entering upon the duties of his or her 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 his or her official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the Council. They will be approved by the City Council, and approved as to form by the City Attorney, and filed with the City Clerk. The premiums on the bonds will be paid by the City.

(Amended, Bill 1990-13)

Section 13.04. Sales of Real Property.

No real property of the City may be disposed of except by ordinance. The proceeds of any sale of such property will 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 13.05. Vacation of Streets.

The Council may by ordinance vacate any street or alley or part thereof within the City. Such vacation may be made only after published notice and an opportunity for affected property owners 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 procedures must be filed in accordance with law.

(Amended, Bill 1978-14)

Section 13.06. City to Succeed to Rights and Obligations of Former Municipality.

The City of Richfield will remain vested with and continue to have, hold, and enjoy all property, property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the City of Richfield, and will be subject to all liabilities which exist against said City on said date of Charter. The municipal liquor stores which have been established in the City of Richfield will continue and may be operated by the City in the same manner as before the adoption of this Charter. Nothing in this Charter will be construed as limiting in any manner such continuance or restricting in any way the addition of new stores or relocation of existing stores.

Section 13.07. Reserved.

Section 13.08. 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 Richfield operating under home rule charters, and not inconsistent with the provisions of this Charter, will apply to the City of Richfield, and will be construed as supplementary to the provisions of this Charter. The extra session laws of 1961, Chapter 28, are not applicable to the City of Richfield and are of no legal effect upon adoption of this Charter.

Section 13.09. 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 13.10. Reserved.

Section 13.11. Disposition of Fines and Penalties.

All fines, forfeitures and penalties received for the violation of any ordinance must be paid into the City treasury.

Section 13.12. Ordinances to Make Charter Effective.

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

(Amended, Bill 1978-14)

Section 13.13. Fines and Penalties.

Subdivision 1. The council may establish by, ordinance, a procedure for imposing an administrative penalty for any violation of the City Code or a City ordinance. The procedure must provide that any person charged with an administrative penalty will receive notices of violations and an opportunity to be heard by a neutral party, which may be the city council. The procedure may authorize the City to use the services of a non-City employee to decide whether an administrative penalty should be imposed.

(Added, Bill No. 2002-1)

Subd. 2. The City Council may provide, by ordinance, that unpaid administrative penalties be collected as a special assessment against property which was the subject matter, or related to the subject matter, of the penalty or against the property which was the location of an activity, proposed use, delivery of City service, or other circumstances that resulted in the penalty. The ordinance must provide that the City will first attempt to obtain voluntary payment of the penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed.

(Added, Bill No. 2002-1)

Section 13.14. Authority for Expenditures.

The City Council may establish a public expenditure policy (“Policy”) to identify certain types of expenditures as being for a public purpose and within the City’s authority to expend City funds on. The Policy will not limit the authority of the City to make expenditures otherwise authorized by law. If adopted, the Council must review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the Council must consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the Council will consider the opinion of the City Attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor.

Expenditures related to any of the following activities will be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The Council may also provide specific authorization regarding any other expenditure.

Appendix A
CITY CHARTER OF RICHFIELD

RICHFIELD CITY CHARTER

CHAPTER 1. NAMES, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01. Name and Boundaries.

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

Section 1.02. Powers of the City.

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

Section 1.03. Charter a Public Act.

This Charter ~~shall~~will be a public act and need not be pleaded or proved in any case. ~~It shall take effect thirty (30) days from and after its adoption.~~The charter, as published by the City, is self-authenticating and does not require the production of extrinsic evidence to prove its authenticity. The City will publish amendments to the charter as required by law and post the voters current version of the charter on the City's website.

CHAPTER 2. FORM OF GOVERNMENT

Section 2.01. Form of Government.

The form of government established by this Charter is the "Council-Manager Plan". The Council ~~shall~~will exercise the legislative power of the City and determines all matters of policy. The City Manager ~~shall~~will be the head of the administrative branch of the City government and ~~shall be~~is responsible to the Council for the proper administration of all affairs relating to the

City.

Section 2.02. Boards and Commissions.

There ~~shall~~will be no separate administrative ~~board of health, library board, park board or any other administrative board or commission~~boards or commissions except for the existing Fire Civil Service ~~Commissions~~Commission and boards ~~and~~established for the administration of a function jointly with another political subdivision. The Council ~~shall~~itself be and perform performs the duties and ~~exercise~~exercises the powers of such boards and commissions. The Council may, however, establish 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. Elective Officers.

The Council is composed of a Mayor and four Council Members, all of whom must be registered voters. The offices of Mayor and at-large Council Member must be filled by election at l-large. The offices of the three districtward Council Members must be elected from apportioned Council ~~districts~~wards in which they reside. The Mayor and the Council Members ~~shall~~will each be elected to a four-year term with Mayor and the Council Member at-large in 1994 and each succeeding four years and the district Council Members elected in 1992 and each succeeding four years. The regular term of an office commences at the first regular or special council meeting in January next following the general election at which balloting for the full term of office occurs, and office holders must serve until their successors are elected and qualified. A candidate for the office of districtward Council Member must reside while seeking election and while serving in office within the districtward from which he or she is elected. Within two years after each United States Census the City Council ~~shall~~will by ordinance establish compact and contiguous ~~districts~~wards to be apportioned by population as nearly equal as practicable. The three ~~Districts shall~~wards will be Eastern, Central and Western Richfield with dividing lines generally north and south.

(Amended, Bill 1992-10; Bill No. 2003-20)

Section 2.04. Incompatible Offices.

No member of the Council ~~shall~~can be appointed City Manager, nor ~~shall~~can any member hold any paid municipal office ~~of~~or employment ~~under~~with the City; ~~and until~~ A member of the Council may not, for a period of one year after the expiration of the member's term as Mayor or Council Member, ~~no former member shall~~ be appointed to any paid ~~appointive~~ office or employment ~~under~~with the City ~~which were increased during the Council Member's term in office~~.

(Amended, Bill 1990-13)

Section 2.05. Vacancies.

Subdivision 1. Existence. A vacancy in the office of Council Member exists for the following reasons:

- (1) ~~A vacancy shall exist as of the date of~~ death or resignation of a Council Member.
- (2) ~~As soon as it is determined that a Council Member is ineligible because of any of the following reasons:-~~
 - ~~(i)~~ the failure of any person elected to the Council to qualify on or before the date of the second regular meeting of the Council in the year following the year of election;
 - ~~(ii)~~ the Council Member ceasing to be a resident of the City;
 - ~~(iii)~~ a ~~district~~ward Council Member ceasing to be a resident of the ~~district~~ward which the member represents;
 - ~~(iv)~~ continuous absence of the Council Member from the City for more than 90 days;
 - ~~(v)~~ conviction of a Council ~~member~~Member of a felony whether before or after qualification;
 - ~~(vi)~~ any other reason specified by law ~~except those reasons specified in paragraph (1) of this subdivision;~~ or
 - ~~(vii)~~ ~~by reason of the~~ failure of the Council Member, without good cause, to perform any of the duties of a Council Member for a period of 90 days.

Subd. 2. Declaration of Vacancy. When a vacancy occurs, the Council ~~shall,~~must by resolution, at a regular or special Council meeting, declare at the vacancy ~~on the Council~~ to exist.

~~Subd. 2~~**Subd. 3.** Procedure Following Council Vacancy.

- (1) If 90 days or less remain in the Council Member's term after the vacancy, the person elected to that office for the term commencing on January 1 of the next year ~~shall~~must be appointed by the Council to fill the remaining portion of the unexpired term at the next regular Council meeting following the declaration of the results of the election with the City Clerk. The appointment ~~shall~~must be the first order of business of such meeting.
- (2) If less than ~~180~~365 days and more than 90 days remain in the Council Member's term of office after the vacancy, the Council ~~shall~~must appoint an eligible person to fill the vacancy for the unexpired term. If the Council fails to agree upon an appointee to fill the vacancy within 30 days after the vacancy, the Mayor ~~shall~~will appoint a person to fill the vacancy.

- (3) If ~~180~~365 days or more remain in the Council Member's term of office after the vacancy, the Council ~~shall~~must call a special election to fill the vacancy for the balance of the Council member's term. The special election ~~shall~~will be called at the same Council meeting at which the vacancy is declared to exist or at the next regular Council meeting following the death or resignation of a Council Member, as the case may be. The special election ~~shall~~must be held ~~not less than 30 nor more than 60 days after the Council meeting at which the election is called~~on the first date authorized by state law. The election to fill the unexpired term ~~shall~~must be in accordance with the provisions of Section 4.03, except that there ~~shall~~will be no primary election and the candidate receiving the highest number of votes ~~shall~~will be elected to fill the unexpired term.

The term of the person so elected ~~shall~~will start as soon as the declaration of the results has been filed with the City Clerk and the person has qualified for office.
(Amended, Bill No. 1992-10)

Section 2.06. The Mayor.

Subdivision 1. The Mayor ~~shall~~will be the presiding officer of the Council, except that the Council ~~shall~~must choose from its members a president pro ~~temp~~tem who ~~shall~~will hold office at the pleasure of the Council and ~~shall~~will serve as ~~president~~Mayor in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor ~~shall~~will have a vote as a member of the Council and ~~shall~~will exercise all powers and perform all duties conferred and imposed upon the office by this Charter, the ordinances of the City, and the laws of the state. The Mayor ~~shall~~will be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for the purposes of martial law. The Mayor ~~shall~~may study the operations of the City government and ~~shall~~will report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency the Mayor may, ~~confer with the consent of the Council, take command of~~City manager, police chief, and fire chief as part of the emergency response system to communicate with the public and to aid identifying resources to assist the police and fire departments, to maintain order and enforce the law, and to respond to the emergency including, but not limited to, requesting assistance from federal, state, and local agencies as may be needed. If time and circumstances allow, in the Mayor's discretion, the Mayor will consult with the Council prior to conferring with City staff.

Subd. 2. Vacancy in Office of Mayor.

- (1) Existence, Declaration. A vacancy in the office of Mayor ~~shall~~will be declared upon the same grounds and by the same procedure as provided in Section 2.05, ~~subdivision 1, paragraphs (1) and (2)~~ for Council Members.
- (2) Procedure Following Vacancy. Following a vacancy in the office of Mayor, the ~~president~~Mayor pro tem ~~shall~~must assume the duties of Mayor until a Mayor is elected. The ~~president~~Mayor pro tem's duties ~~shall~~will be in addition to that person's duties as Council Member. Such person ~~shall~~will have only one vote with respect to all matters

which are voted upon by the Council. If less than ~~180~~365 days remain in the unexpired term of office following the vacancy in the office of Mayor, the ~~president~~Mayor pro tem will assume the duties of Mayor for the unexpired term. If ~~180~~365 days or more remain in the unexpired term following the vacancy in the office of Mayor, a special election ~~shall~~must be called at the regular Council meeting at which the declaration is made or at the next regular Council meeting following the death or resignation of the Mayor, as the case may be, and the election ~~shall~~will be held ~~not less than 30 nor more than 60 days after the meeting at which the election is called~~on the first date authorized by state law. The election to fill the unexpired term ~~shall~~will be in accordance with the provisions of Section 4.03, except that there ~~shall~~will be no primary election and the candidate receiving the highest number of votes ~~shall~~will be elected to fill the unexpired term. The term of the person so elected ~~shall~~will start as soon as the declaration of the results has been filed with the City Clerk and the person qualifies for office.

(Amended, Bill No. 1992-10)

Section 2.07. Salaries.

The Mayor and the members of the Council ~~shall~~will receive payment as set by ordinance. No change in salary ~~shall~~may take effect until after the next succeeding municipal election. The City Manager and all subordinate officers and employees of the City ~~shall~~will receive such salaries or wages as may be fixed by the Council.

(Amended, Bill 1982-19)

Section 2.08. Investigation of City Affairs.

The Council and the City Manager, or either of them, and any officer or officers formally authorized by them, or either of them, ~~shall~~will have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The Council ~~shall~~must provide for an audit of the City's accounts at least once a year by the state department in charge of such work or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City government and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.09. Interference with Administration.

The Council may by ordinance establish a merit system in all or part of the City administration, but neither the Council nor any of its members ~~shall~~will dictate the appointment of any person to office or employment by the City Manager except as provided in Chapter 6 of this Charter. Except for the purpose of inquiry, the Council and its ~~member~~members will deal with and control the administrative service solely through the City

Manager, and neither the Council nor any member thereof ~~shall~~will give orders to any of the subordinates of the City Manager, either publicly or privately.

CHAPTER 3. PROCEDURE OF COUNCIL

Section 3.01. Council Meetings.

Newly elected members of the Council will assume their duties at the first regular or special meeting of the Council in January following a regular municipal election. Thereafter, the Council will meet at the times each month as established by ordinance or resolution. The Mayor or any two members of the Council may call special meetings of the Council upon at least twelve hours' notice to each member of the Council. The ~~notice must be delivered personally~~Mayor or any two members of the Council may call an emergency meeting upon notice, as practicable, to each member ~~or be left at of the Member's usual place of residence with some responsible person~~Council. The notice to Council members of a meeting may be by personal delivery, telephone, or other electronic means as may be needed to ensure they receive notice. Meetings of the Council are public, except as otherwise permitted or required by law. Any person may inspect the minutes and records of the meetings at reasonable times.

(Amended, Bill 1990-13; Bill No. 2003-20)

Section 3.02. Secretary of Council.

The City Clerk ~~shall~~will act as secretary of the Council and ~~shall~~is to keep a journal of Council proceedings and such other records and perform such other duties as may be required by this Charter or as the Council may require. The Council ~~shall~~will choose such other officers and employees as may be necessary to serve at its meetings. In the absence of the City Clerk the Council may designate any other official or employee of the City (except the City Manager or a member of the Council) to act as secretary of the Council.

(Amended, Bill 1990-13)

Section 3.03. Rules of Procedure and Quorum.

The Council ~~shall~~will determine its own rules and order of business. A majority of all members ~~shall~~will constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. Ordinance, Resolutions and Motions.

Except as otherwise provided in this Charter, all legislation ~~shall~~must be by ordinance. The aye and no vote on ordinances, resolutions, and motions ~~shall~~will be recorded. An affirmative vote of a majority of all the members of the Council ~~shall~~will be required for the passage of all

ordinances and resolutions, except as otherwise provided in this Charter.

Section 3.05. Procedure on Ordinances.

The enacting clause of all ordinances must be in the words "City of Richfield does ordain". Every ordinance must be presented in writing. Except for an emergency ordinance, every ordinance must be introduced at a meeting that occurs no less than fourteen (14) days before the meeting at which the ordinance is finally passed.

(Amended, Bill 1981-33, Bill No. 1998-5; Bill No. 2003-21)

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 the emergency is defined and declared in a preamble thereto, and is adopted by a unanimous vote of the Council Members present. No prosecution ~~shall~~will be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Section 3.07. Procedure on Resolutions.

Every resolution ~~shall~~must be presented in writing and, when requested by any member of the Council, ~~shall~~will be read in full before a vote is taken thereon.

Section 3.08. Signing and Publication of Ordinances and Resolutions.

Every ordinance or resolution passed by the Council ~~shall~~will be signed by the Mayor, or acting Mayor, attested by the City Clerk, and filed and preserved. Every ordinance ~~shall~~, or an approved summary, will be published at least once in the official newspaper.

Section 3.09. When Ordinances and Resolutions Take Effect.

~~A resolution or an ordinance is~~Resolutions, interim ordinances adopted pursuant to Minnesota Statutes, Section 462.355, and emergency ~~ordinance is~~ordinances are effective immediately upon ~~its~~ passage or at such later date as is fixed in ~~it~~the ordinance or resolution. An ordinance that is expressly excepted from referendum under section 5.01 of this Charter is effective on the day following publication or such later date as is fixed in it. Every other ordinance is effective on the 30th day after the day of publication or at such later date as is fixed therein. Every ordinance adopted by the voters of the City is effective immediately upon its adoption, or at such a later time as fixed therein.

(Amended, Bill 1974-7; Bill No. 2013-7)

Section 3.10. Amendment and Repeal of Ordinances.

Every ordinance repealing a previous ordinance, section, or subdivision thereof ~~shall~~must give the number, if any, and the title of the ordinance to be repealed in whole or in part. No ordinance, section, or subdivision thereof ~~shall~~will be amended by reference to the title alone. Such an amending ordinance ~~shall~~must set forth in full each section or subdivision to be amended and ~~shall~~must indicate new matter by underscoring and old matter to be omitted by lining it through. ~~In newspaper publication of ordinances the same indications of omitted and new matter shall be used except that italics or bold-faced type may be substituted for underscoring and omitted matter may be printed in capital letters within parentheses.~~ (Amended, Bill 1982-4)

Section 3.11. Codification and Publication of Ordinances.

The City ~~shall~~will codify and publish an ordinance code ~~in~~through electronic means, books, pamphlets or continuous reference loose leaf form. Copies ~~shall~~will be made available by the Council at the office of the City Clerk for general distribution to the public free or at a reasonable charge.

Section 3.12. Manner of Summary Publication of Ordinances.

If the City Council determines that publication of the complete text of an ordinance is not worth the expense and that a summary would clearly inform the public of the intent and effect of the ordinance, the Council may ~~by~~ by a unanimous vote, direct that only the title of the ordinance and a summary be published with notice that printed copies of the ordinance are available to any person during regular office hours at the office of the City Clerk and any other location which the Council designates. Prior to the publication of the title and summary, the Council ~~shall~~must approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance.

(Amended, Bill 1981-33)

Section 3.13. Electronic Signatures.

The City may establish policies and procedures in accordance with law to allow for the use of electronic or facsimile signatures by anyone authorized to sign documents on behalf of the City and for the acceptance of documents signed electronically.

CHAPTER 4. NOMINATIONS AND ELECTIONS

Section 4.01. The Regular Municipal Election.

The regular municipal election ~~shall~~will be held on the first Tuesday after the first Monday in November of each even numbered year at such place or places as the City Council may designate. The City Clerk ~~shall~~must give at least ~~two (2) weeks previous~~ 14 days' notice of the time and place of holding such election ~~and of~~, the officers to be elected ~~by posting in the City Clerk's office, and such other information as required by law. The notice must be posted in the Richfield Municipal Center~~ and on the City website and ~~by publication~~published at least once in the official newspaper, but failure to give such notice ~~shall~~will not invalidate such election.

(Amended, Bill 1994-4; Bill No. 2013-6)

Section 4.02. Primary Election.

On ~~the second Tuesday in August preceding the regular municipal election~~ such dates that are authorized by law, there ~~shall~~will be a primary election for the selection of two nominees for each elected office at the regular municipal election unless no more than two nominees file for each elective office. ~~The City Clerk shall give at least two weeks previous notice~~Notice of the ~~time and place of holding such~~primary election ~~and of~~is given in the ~~officers to be elected by posting~~same manner as provided in section 4.01 for regular elections, except that notice of a primary election must also be posted in at least one public place in each voting precinct ~~and by publication at least once in the official newspaper, but failure~~. Failure to give such notice ~~shall~~will not invalidate such election.

(Amended, Bill 1975-12; Bill 1994-4; Bill 2010-3)

Section 4.03. Special Elections.

The Council may by resolution order a special election and provide all means for holding it. ~~At least two weeks published~~Notice of a special election is given in the same manner as provided in section 4.01 for regular elections, except that notice of a special election ~~shall~~must be ~~given~~published for at least two consecutive weeks in the official newspaper. The procedure of such election ~~shall~~must conform as nearly as possible to that prescribed for other municipal elections. Special elections will be held on dates as authorized by law.

Section 4.04. Nomination by Petition.

All candidates for elective office provided for by this Charter ~~shall~~must be nominated by petition. The name of any registered voter of the City ~~shall~~must be printed upon the ballot as a candidate for an office whenever a petition signed by at least ten registered voters has been filed with the City Clerk in a candidate's behalf within the time period provided by state law for such filings. No registered voter ~~shall~~may sign petitions for more candidates for any office than the number of persons to be chosen for that office at the election; should a signer do so, the signer's signature ~~shall~~will be void as to the petition or petitions last filed. Each petition presented ~~shall~~must be accompanied by a twenty-five dollar (\$25.00) filing fee.

(Amended, Bill 1987-8, Bill 1994-4)

Section 4.05. Nomination Petitions.

[Nomination petitions must substantially comply with the following form:](#)

We, the undersigned registered voters of the City of Richfield, hereby nominate, _____ whose residence is _____, for the office of _____, to be voted for at the primary election to be held on the _____ day of _____, ~~19~~ 20, and/or the regular municipal election to be held on the _____ day of _____, ~~19~~ 20, and we individually certify that we are qualified registered voters and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name Street and Number

_____, being duly sworn, deposes and says that he or she is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his or her presence and are the signatures of the persons whose names they purport to be. (Amended, Bill 1990-13)

Signed: _____

Subscribed and sworn to before me this _____ day of _____, ~~19~~ 20,

Notary Public

This petition, if found insufficient by the City Clerk, ~~shall~~ will be addressed to

_____ at _____ (address).

I hereby indicate my willingness to accept the office of _____ if elected.

Signed: _____

Section 4.06. Withdrawal of Candidate.

Any person whose name has been presented in the manner provided for in the foregoing section as a candidate may, not later than 5:00 p.m. two days after the last day for filing, cause his or her name to be withdrawn from nomination by filing with the City Clerk a request to do so in writing, and no name so withdrawn ~~shall~~ will be printed upon the ballot.

(Amended, Bill 1990-13, 2010-3)

Section 4.07. Canvass of Elections.

The Council must meet and canvass the election returns at the next regular or special Council meeting immediately following any regular, primary, or special election but in no event later than the time prescribed by state law, and must make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. This statement must include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the correct vote for each candidate, with an indication of those who were elected or nominated; (d) the names of the judges and clerks of election; and (e) such other information as may seem pertinent. The City Clerk must promptly notify all persons elected or nominated of their election or nomination. In case of a tie vote, the Council must determine the result by lot. The City Clerk is the final custodian of the ballots.

(Amended, Bill 1975-12; Bill No. 2003-21; Bill No. 2013-6)

Section 4.08. Procedure at Elections.

The City Council may by ordinance adopt such rules and regulations as may be necessary or desirable to regulate the conduct of elections subject to the provisions of this Charter and the laws of the State of Minnesota when applicable.

CHAPTER 5. INITIATIVE, REFERENDUM AND RECALL

Section 5.01. Powers Reserved by the People.

The people of Richfield reserve to themselves the powers of initiative, referendum, and recall, to be exercised, in accordance with the provisions of this Charter. Initiative is the process for voters to propose and adopt an ordinance. Referendum is the process to require an ordinance passed by the council to be referred to the voters for approval or disapproval. Recall is the process for removing an elected public official from office. Initiative and referendum may not be used with an ordinance that appropriates money, authorizes the levy of taxes, or involves land use or zoning.

(Amended, Bill 1982-20; Bill No. 2013-7)

Section 5.02. (Repealed, Bill No. 2013-7)

Section 5.03. Further Regulations.

The Council may provide by ordinance such further regulations for the initiative, referendum, or recall, not consistent with this Charter, as it deems necessary. (Amended, Bill 1982-20)

Section 5.04. Initiation of Measures.

Any ten (10) residents of the City who are registered voters may form themselves into a sponsoring committee for the initiation of an ordinance as permitted by section 5.01 of this Charter. Before circulating any petition, the committee must file an affidavit and its proposed petition with the City Clerk. The affidavit must state that a committee has been formed, must contain the names and addresses of the committee members, and must be signed by each member of the committee, whose signatures must be verified by a notary public. The committee must also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with the committee members' names and addresses as sponsors. The ordinance must relate to only one (1) subject which is clearly expressed in the petition. Every circulator of a signature paper must be a resident of the state of Minnesota. (Amended, Bill No. 2013-7)

Section 5.05. Form of Petition and of Signature Papers.

The petition for the adoption of any ordinance must consist of the ordinance, together with all the signature papers and affidavits attached. A petition is not complete unless signed by a number of registered voters equal to at least five (5) percent of the total number of registered voters at the time of the last regular municipal election. All the signatures need not be on one (1) signature paper, but the circulator of every signature paper must make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper must be in substantially the following form:

INITIATIVE PETITION

Proposing an ordinance to _____ (Stating the Purpose of the Ordinance). A certified copy of the proposed ordinance is attached.

Sponsoring Committee

This ordinance is sponsored by the following committee of City of Richfield residents who are registered voters:

	<u>Name</u>	<u>Address</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Instructions to Petition Signers

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

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

	Date	Legal Signature	Name (print legibly)	Address (print legibly)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

(The affidavit of the circulator must be attached at the end of each signature paper.)

(Amended, Bill No. 2013-7)

Section 5.06. Filing of Petition and Action Thereon.

All the signature papers must be filed in the office of the City Clerk as one (1) instrument. Within ten (10) working days after the filing of that petition, the City Clerk must ascertain by examination, the number of registered voters in the City whose signatures are attached and whether this number is at least five (5) percent of the total number of registered voters at the time of the last regular municipal election. The validity of the signatures must be judged as of the day the petition was filed. If the City Clerk finds the petition to be insufficient or irregular, the City Clerk must at once notify one (1) or more of the sponsoring committee of that fact, certifying the reasons for the finding. The committee ~~shall~~will then be given 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 City Clerk ~~shall~~must file the petition in the City Clerk's office and notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition does not prejudice the filing of a new petition for the same purpose, nor does it prevent the Council from referring the ordinance to the voters at the next regular or special election at its option.

(Amended, Bill 1990-13; Bill No. 2013-7)

Section 5.07. Action of Council on Petition.

When the petition is found to be sufficient, the City Clerk must so certify to the Council at its next meeting, stating the number of valid signatures on the petition and the percentage of the total number of registered voters at the time of the last regular municipal election which they constitute. The Council ~~shall~~will at once read the ordinance and may refer it to an

appropriate committee. The committee or Council must hold a public hearing upon the ordinance. After the public hearing, but not later than 65 days after the City Clerk submitted the ordinance to the Council, the Council must take final action on the ordinance. 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 sponsors, the proposed ordinance must be submitted by the Council to a vote at the next regular municipal election, but if the number of valid signatures on the petition is equal to at least 15 percent of the total number of registered voters at the time of the last regular municipal election, the Council must call a special election upon the measure. Such special election must be held ~~in accordance with the requirements of state law, but not nor more than 60 days from date of final action on the ordinance by the Council or, if there has been no final action, from the expiration of 65 days from the date of submission to the Council; but if a regular election is to occur within three (3) months, the Council must submit the ordinance at that election~~ on the first date authorized by state law. If the Council passes the proposed ordinance with amendments and at least four-fifths of the sponsoring committee do not express their dissatisfaction with such amended form by a statement filed with the City Clerk, within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the voters.

(Amended, Bill No. 2013-7)

Section 5.08. Initiative Ballots.

The ballots used when voting upon any such proposed ordinance must state the substance of the ordinance and must give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the votes on any such ordinance are in favor of it, it becomes an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the voter must be allowed to vote for or against each separately. In case of inconsistency between two (2) initiated ordinances approved at one (1) election, the one (1) approved by the higher percentage of voters voting on the question prevails to the extent of the inconsistency.

(Amended, Bill No. 2013-7)

Section 5.09. Amendment or Repeal.

Any ordinance adopted by the vote of the people cannot be repealed or amended except by the vote of the people or by the unanimous vote of all members of the Council.

Section 5.10. Initiation of Charter Amendments.

Nothing in this Charter ~~shall~~will be construed as in any way affecting the right of the registered voters under the constitution and statutes of Minnesota to propose amendments to this Charter.

Section 5.11. The Referendum.

If prior to the date when an ordinance takes effect a petition signed by qualified registered voters of the City equal in number to ten (10) percent of the total number of registered voters at the time of the last regular municipal election is filed with the City Clerk requesting that any such ordinance be repealed or submitted to a vote of the registered voters, the ordinance is prevented from going into operation. All the signature pages must be filed as one (1) instrument. The City Clerk must ascertain by examination the sufficiency of the petition within ten (10) working days and must certify the results of that examination to the Council at its next regular meeting. The Council must thereupon reconsider the ordinance, and by majority vote either repeal or affirm the ordinance as passed. If the ordinance is affirmed, the Council must immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance remains suspended. If a majority of the voters voting on the ordinance is opposed to the ordinance, it does not become effective; but if a majority of the voters favor the ordinance, it takes effect immediately or on the date therein specified.

(Amended, Bill No. 2013-7)

Section 5.12. Referendum Petition.

The requirements ~~laid down~~ in Sections 5.04 and 5.05 ~~above~~ as to the formation of committees, the form of petitions and signature papers, and residency requirements for committee members and circulators, for the initiation of ordinances ~~shall~~will apply to the referendum but with such changes as may be necessary.

A referendum petition ~~shall~~must read substantially as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to _____ (stating the purpose of the ordinance). A certified copy of the ordinance is attached.

Sponsoring Committee

The proposed repeal is sponsored by the following committee of City of Richfield residents who are registered voters:

	<u>Name</u>	<u>Address</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____

Instructions to Petition Signers

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

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

	Date	Legal Signature	Name (print legibly)	Address (print legibly)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

(The affidavit of the circulator must be attached at the end of the list of signatures.)

(Amended, Bill No. 2013-7)

Section 5.13. Referendum Ballots.

The ballots used in any referendum election ~~shall~~will conform to the rules ~~laid down~~ in Section 5.08 of this Charter for initiative ballots.

Section 5.14. The Recall.

No less than 25 registered voters may form themselves in a committee for the purpose of bringing about the recall of any Council Member including the Mayor. If the committee seeks the recall of a ~~district~~ward Council Member, the registered voters constituting the committee must be from the Council Member's ~~district~~ward. The committee must certify to the City Clerk the name of the Council Member whose removal is sought, a statement of the grounds for removal in not more than 250 words, and the committee's intention to bring about his or her recall. A copy of this certificate must be attached to each signature paper and no signature paper may be put into circulation previous to such certification.

The grounds as set forth in the recall petition must be predicated on one (1) or more charges of malfeasance, nonfeasance, or both. For this purpose the word "malfeasance" means the performance of an act by a Council Member in his or her official capacity that is wholly illegal and wrongful and the word "nonfeasance" means the neglect or refusal, without sufficient excuse, to do that which it is the Council Member's legal duty to do so.

(Amended, Bill No. 2013-7)

Section 5.15. Recall Petitions.

The petition for the recall of any Council Member must consist of a certificate identical to that filed with the City Clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one (1) signature paper, but the circulator of every signature paper must make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper must be in substantially the following form:

RECALL PETITION

Proposing the recall of _____ from the office as _____ which recall is sought for the reasons set forth in the attached certificate.

Sponsoring Committee

This movement is sponsored by the following committee of registered voters eligible to vote on candidates for that office.

	<u>Name</u>	<u>Address</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____
[listing all members of the committee]		

Instructions to Petition Signers

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

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

	Date	Legal Signature	Name (print legibly)	Address (print legibly)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

The affidavit of the circulator must be attached at the end of the list of signatures.

(Amended, Bill 1982-20; Bill No. 2013-7)

Section 5.16. Filing of Petition.

Within 30 days after the filing of the original certificate, the committee must file the completed petition in the office of the City Clerk. The City Clerk must examine the petition within the next ten (10) working days and if the clerk finds it irregular in any way, or finds that the number of signers is less than 25 percent of the total number of registered voters eligible to vote on candidates for that office at the last preceding regular municipal election, the City Clerk must so notify one (1) or more members of the committee. The committee ~~shall~~ will then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but the committee may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, the clerk must notify all the members of the committee to that effect and file the petition in the City Clerk's office. No further action ~~shall~~ will be taken thereon.

(Amended, Bill No. 2013-7)

Section 5.17. Recall Election.

If the petition or amended petition is found sufficient, the City Clerk must transmit it to the Council without delay, and must also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. If the Council Member sought to be recalled does not resign within ten (10) days after having been given such notice, the Council ~~shall~~ will, at its next meeting occurring more than ten (10) days after the receipt by the Council of the recall petition, by resolution, provide for the holding of a special recall election ~~not more than 75 days after such meeting, but if any other election is to occur within three (3) months after such meeting, the Council may in its discretion provide for the holding of the recall election at that time~~ on the first date authorized by state law. If the special recall election involves one (1) or more ~~district~~ ward Council Member(s), the recall election must be conducted only within the ~~district~~ ward(s) of the affected Council Member(s). If it involves a Council Member who is elected at large, the election must be a City-wide election.

(Amended, Bill No. 2013-7)

Section 5.18. Procedure at Recall Election.

The City Clerk must include with the published notice of the election the statement of the grounds for recall and ~~also~~, in not more than 500 words, the answer of the Council Member concerned in justification of his or her course in office. The election must be conducted, as far as possible, in accordance with the usual procedure in municipal elections.

(Amended, Bill No. 2013-7)

Section 5.19. Form of Recall Ballot.

The form of the ballot at such election ~~shall~~must be: "Shall _____ be recalled?" The name of the Council Member whose recall is sought and his or her office ~~shall~~must be inserted in the blank. The electors ~~shall~~must be permitted to vote separately "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall, the official ~~shall~~will be thereby removed from office.

(Amended, Bill 1992-10; Bill No. 2013-7)

Section 5.20. Procedure to Fill Vacancy.

In the event that a Council Member is recalled by the electors or resigns after a petition has been filed for his or her recall, the vacancy must be filled in the following manner:

If less than ~~six (6) months~~180 days remain in the Council Member's term of office at the time of the recall election or at the time of resignation in response to a recall petition, as the case may be, the vacancy must be filled by the remaining members of the City Council for the unexpired term pursuant to Section 2.05.

If ~~six (6) months~~180 days or more remain in the Council Member's term at the time of such recall or resignation, the Council must call a special election to fill the vacancy for the balance of the Council Member's term. Such election must be called within ten (10) days after such recall or resignation, and the special election must be held in accordance with state law ~~and not more than 60 days after the meeting at which the election is called~~. Candidates to fill the unexpired term must be nominated in the usual way and the election must be conducted, as far as possible, in accordance with procedures in municipal elections except that there ~~shall~~will be no primary election and the candidate receiving the highest number of votes for the office ~~shall~~will be elected to fill the unexpired term.

(Amended, Bill 1992-10; Bill No. 2013-7)

Section 5.21. Term.

The term of the candidate selected by the voters at the regular or special election to fill the unexpired term ~~shall~~will start as soon as the declaration of the results has been filed with the City Clerk, and the person has qualified for office.

(Amended, Bill 1992-10)

Section 5.22. Offenses; penalty.

It is unlawful for a person to:

- a. Sign a name other than that person's own name to an initiative, referendum or recall petition;

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

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

(Added, Bill No. 2013-7)

CHAPTER 6. ADMINISTRATION OF CITY AFFAIRS

Section 6.01. The City Manager.

The City Manager ~~shall be~~ [is](#) the chief executive and head of the administrative branch of the City government and ~~shall will~~ be chosen by the Council solely on the basis of training, experience, and administrative qualifications. The City Manager ~~shall will~~ be appointed for an indefinite period and may be removed by the Council at any time; but [if removal occurs](#) after ~~serving as Manager for~~ one year [or more of service](#), the Manager may demand written charges and a public hearing before the date of final removal takes effect. Written charges, if demanded, ~~shall must~~ be furnished a reasonable time before the public hearing. After such hearing, if one is demanded, the Council ~~shall will~~ have unlimited discretion either to reinstate the Manager or make removal final. Pending such hearing and removal, the Council may suspend the Manager from office. The Council may designate ~~somea~~ properly qualified person to perform the duties of the Manager during the Manager's absence, disability, suspension, or while the office of the Manager is vacant.

(Amended, Bill 1990-13; Bill No. 2003-22)

Section 6.02. Powers and Duties of the City Manager.

Subdivision 1. Subject to the provisions of this Charter, any Council regulations consistent therewith, and any other applicable laws, the City Manager ~~shall will~~ control and direct the

administration of the City's affairs. The City Manager ~~shall~~will have the powers and duties set forth in the following subdivisions:

(Amended, Bill 1990-13)

Subd. 2. The City Manager ~~shall~~will see that this Charter and the laws, ordinances and resolutions of the City are enforced.

(Amended, Bill 1990-13)

Subd. 3. The City Manager ~~shall~~will appoint and remove, upon the basis of merit and fitness and subject to applicable civil service provisions, if any, the City Clerk, all heads of departments and all subordinate officers and employees in the departments. ~~The Director of Public Safety, having administrative and supervisory control over the police and other non-civil service divisions of the Department of Public Safety, is not under the jurisdiction of the police and fire civil service commission of the City.~~ Appointment or removal of department heads ~~shall~~will be made final only upon a majority vote of the Council.

(Amended, Bill 1981-35; Bill No. 2003-21)

Subd. 4. The City Manager ~~shall~~will exercise control over all departments and divisions of the City administration created by this Charter or by the Council.

(Amended, Bill 1990-13)

Subd. 5. The City Manager ~~shall~~will recommend to the Council for adoption such measures as he or she may deem necessary for the welfare of the people and the efficient administration of the City's affairs.

(Amended, Bill 1990-13)

Subd. 6. The City Manager ~~shall~~will attend all meetings of the Council with the right to take part in the discussion, but not to vote; ~~but, The Council may not attend~~ exclude the Manager from any meeting at which the Council is considering ~~his or her~~ the Manager's dismissal. (Amended, Bill 1990-13)

Subd. 7. The City Manager ~~shall~~will keep the Council fully advised as to the financial condition and needs of the City; and ~~shall~~will prepare and submit to the Council the annual City budget.

(Amended, Bill 1990-13)

Subd. 8. The City Manager ~~shall~~will prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure, and from time to time ~~shall~~will suggest amendments to such code.

(Amended, Bill 1990-13)

Subd. 9. The City Manager ~~shall~~will perform such other duties as may be prescribed by this Charter or by law or required by ordinance or resolutions adopted by the Council.

(Amended, Bill 1990-13)

Section 6.03. Departments of Administration.

The Council may create such departments, divisions, and bureaus for the administration of the City's affairs as it may deem necessary, and from time to time alter their powers and organization. It ~~shall~~will, together with the City Manager, prepare and enact a complete administrative code in the form of an ordinance, which may be amended from time to time by ordinance. The Council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

Section 6.04. Right of City Manager and Other Officers in Council.

The City Manager, ~~the heads of all departments and such other officers of the City as may be designated by vote of the Council, shall be entitled to seats in the Council, but shall have no vote therein. The City Manager shall~~will have the right to take part in the discussion of all matters coming before the Council, except as provided in Section 6.02, Subdivision 6, and the department heads and other officers ~~shall~~will be entitled to take part in all discussions of the Council relating to their respective offices, and departments ~~or agencies~~.

Section 6.05. Purchases and Contracts.

City contracts must be made in compliance with state law and this ~~charter~~Charter. Where the amount of a contract is more than the dollar amount contained in Minnesota Statutes, Section 471.345, Subd. 3 the contract must be approved by the City Council upon the recommendation of the City Manager. When contracts are competitively bid, the Council may reject any and all bids. The City Manager may approve contracts in an amount equal to or less than the dollar amount contained in Minnesota Statutes, Section 471.345. Subject to the provisions of the Charter, and other applicable law, the Council may by ordinance or by resolution adopt further regulations for making of bids and letting of contracts.

(Amended, Bill 1987-21; Bill 1996-5; Bill No. 2013-8)

Section 6.06. (Repealed, Bill 1996-5)

CHAPTER 7. TAXATION AND FINANCES

Section 7.01. Council to Control Finances.

Subdivision 1. The Council controls the financial affairs of the City. The Council must provide for (i) the prompt collection of revenues, (ii) the preservation of assets, (iii) the auditing of City accounts, and (iv) the safekeeping and proper disbursement of public monies.

Subd. 2. The City must spend public funds only for public purposes. The Council may provide by ordinance or by resolution that certain expenditures serve a public purpose consistent with state law. A resolution ~~shall~~will be effective only for the fiscal year in which it is adopted.

(Amended, Bill No. 2003-23; Bill No. 2013-9)

Section 7.02. Fiscal Year.

The fiscal year of the City is the calendar year.

(Amended, Bill No. 2003-23)

Section 7.03. System of Taxation.

Subject to the state constitution, and except as forbidden by it or by state law, the Council may provide by resolution, preceded by notice and public hearing, for a system of local taxation. In the taxation of real and personal property the system of local taxation must conform as fully as possible to state law in the valuation of property and the collection of the taxes.

(Amended, Bill No. 2003-23)

Section 7.04. (Repealed, Bill No. 2003-23)

Section 7.05. Preparation and Submission of Annual Budget.

At a special budget meeting of the Council on or before September 15, the City Manager must submit to the Council a proposed budget and a budget message in the form and containing the information specified in Section 7.06. In preparing the budget and the budget message, the Manager must obtain from City department heads information regarding (i) proposed expenditures for the ensuing fiscal year, and (ii) capital projects and capital expenditures proposed to be undertaken in the ensuing budget year and in the following four fiscal years. The Council must hold one or more informational meetings on the proposed budget at which the public may provide comments and may thereafter revise the proposed expenditures and capital projects contained in the proposed budget document.

(Amended, Bill 1990-13; Bill No. 2003-23)

Section 7.06. Form of Annual Budget.

Subdivision 1. The budget must contain a financial plan for the ensuing fiscal year. The financial plan must include: (i) a budget message, (ii) a general summary of the financial plan, (iii) estimates of revenues applicable to proposed expenditures, and, (iv) proposed expenditures. Proposed expenditures may not exceed proposed revenues. Proposed expenditures for the general and special revenue funds must (i) be listed by organization, unit

or activity, and (ii) be in parallel columns opposite the major and minor object of the expenditure showing the amount of expenditure for the last fiscal year, the amount estimated for the current fiscal year and the proposed expenditure for the ensuing fiscal year. The revenues attributable to each general and special fund must be presented in a similar manner. The statement of revenues must include the source of and amount of miscellaneous revenues, the amount of surplus of prior fiscal year revenues, and the amount of revenues raised by property taxes in the prior fiscal year and estimated to be raised in the current fiscal year.

(Amended, Bill 1990-13; Bill No. 2003-23)

Subd. 2. The Budget Message. The budget message may be submitted by the Manager as a separate document but it must accompany the budget. The message must contain the following elements:

(Amended, Bill No. 2003-23)

(i) Current operations. The budget message must explain the budget. The message must contain an outline of the proposed financial position of the City for the ensuing fiscal year and the important features of the financial plan of the City. The message must give reasons for major changes in expenditures and revenues from the prior fiscal year and explain the rationale for major changes, if any, from previous financial policies of the City.

(Amended, Bill 2003-23)

(ii) Capital Improvements. The message must contain a description of pending and proposed capital projects together with estimates of the costs of those projects and the sources of funds to be used to pay for them.

(Amended, Bill 2003-23)

(iii) Capital Program. The message must contain, or have attached to it, a Capital Project Plan for the four fiscal years following the fiscal year of the budget. The Capital Project Plan is to be prepared by the Manager after consultation with the department heads and any informational meetings conducted under Section 7.05.

(Amended, Bill 1990-13; Bill No. 2003-23)

(iv) Miscellaneous. The Manager must attach to or include in the budget message supporting schedules, exhibits and other data believed by the Manager to be appropriate and informative.

(Amended, Bill No. 2003-23)

Section 7.07. Adoption of Budget.

At the conclusion of the special budget meeting the Council must set a public hearing on the budget to be held after published notice not less than seven nor more than 14 days after the date of publication. The budget must be kept available to the public in the Clerk's office. The public hearing on the budget must be conducted in a way to give interested persons an

opportunity to be heard. The Manager must explain the various elements of the budget as fully as is deemed necessary by the Council. The budget resolution must set out the total established for each fund and department with such other information deemed necessary by the Council. The budget resolution must also state the amount of property and other taxes to be levied to fund the budget.

(Amended, Bill No. 2003-23)

Section 7.08. Enforcement of the Budget.

The Manager must enforce the provisions of the budget. The Manager may not authorize or approve any expenditure unless an appropriation has been made in the budget resolution and there is an available unencumbered balance of the appropriation sufficient to pay the liability to be incurred. An officer or employee of the City may not place an order or make a purchase except for the purposes authorized in the budget. An obligation incurred by a person in the employ of the City for a purpose not in the approved budget or for an amount in excess of an amount appropriated in the budget resolution or in excess of available monies in a fund of the City is a personal obligation of the person incurring the ~~expenditure~~[obligation](#)

(Amended, Bill 1990-13; Bill No. 2003-23)

Section 7.09. Altering or Adjusting the Budget.

After the budget has been adopted the Council may not increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, in an amount more than the estimated revenues unless the actual receipts exceed the estimates and then not more than the actual receipts. The Council may, by resolution reduce the sums appropriated for any purpose by the budget resolution. Within three months following the close of the fiscal year, the Council, at the request of the Manager, may transfer unencumbered appropriation balances for that fiscal year from one office, department, or agency to another within the same fund. Appropriations lapse at the end of the budget year to the extent that they have not been expended or encumbered.

(Amended, Bill No. 2003-23)

Section 7.10. Emergency Appropriation in Budget.

The Council may include an emergency appropriation as a part of the budget, but [such appropriation may](#) not ~~more than exceed~~ three percent of the total operating appropriations made in the budget for that year. A transfer from the emergency appropriation to another appropriation may be made by resolution on recommendation of the City Manager or a member of the Council. The funds so appropriated may be used only for the purposes designated by the Council.

(Amended, Bill No. 2003-23)

Section 7.11. Disbursements. How Made.

Except as otherwise provided in this section, disbursements of City funds may be made only by check bearing the actual or facsimile signature of the Manager and the treasurer. A check may not be issued unless the claim to which it relates specifies the purpose for which the disbursement is made and the fund upon which it is drawn, and the claim has been supported by an itemized bill, payroll, or time sheet approved and signed by the responsible City officer who vouches for the correctness and reasonableness of the claim. The Council may by ordinance make further regulations for the safe-keeping and disbursement of the funds of the City, including, the disbursement of funds for the payment of bills and obligations by electronic means.

(Amended, Bill No. 2003-23)

Section 7.12. Funds to be Kept.

~~There must be maintained in the~~The City treasury must maintain the funds provided for in this section.

(Amended, Bill No. 2003-23)

Subdivision 1. General Fund. The General Fund is established for the payment of general government expenses and those obligations that the City deems proper. ~~Into this fund are to be paid monies~~Monies not otherwise ~~provided~~designated by statute, ordinance, or this Charter to be paid into any other fund must be paid into this fund.

(Amended, Bill No. 2003-23)

Subd. 2. Liquor Special Revenue Fund; Other Special Revenue Funds. A Liquor Special Revenue Fund is established into which ~~are to be paid~~ (i) net revenues (i.e., gross revenues less costs of operation, maintenance, and pledged revenues) of the municipal liquor store, (ii) proceeds of special tax levies to support the fund, and (iii) other special revenues so designated by the Council must be paid. Expenditures from the Liquor Special Revenue Fund may be made only as authorized by the budget resolution. Monies in the fund may be expended for capital improvements only if authorized by ordinance. The Council may, by resolution, establish other special revenue funds and provide for the expenditure of those funds.

(Amended, Bill No. 2003-23)

Subd. 3. Utility; Enterprise Funds. One or more utility or public service enterprise funds ~~are to~~must be established into which ~~are to be paid~~ (i) the gross revenues of the appropriate utility or enterprise, (ii) the proceeds of the sale of assets of the utility or enterprise, and (iii) the proceeds of bonds or other obligations issued for the purposes of the utility or enterprise. ~~Out of each fund are to~~ must be paid ~~the~~. The costs, including the financing costs of the purchase, construction, operation, maintenance

and repair of the utility or enterprise and other revenues as directed by the budget resolution must be paid out of this fund. Separate funds must be established and kept for each separate utility or enterprise.

(Amended, Bill No. 2003-23)

Subd. 4. Trust and Agency Funds. ~~There are to be established one~~ One or more trust and agency funds for the care and disbursement of money received and held by the City as trustee or custodian, or in the capacity of an agent for individuals, or other governmental units must be established.

(Amended, Bill No. 2003-23)

Subd. 5. Discretionary Fund. A Discretionary Fund ~~is~~ must be established for payment of reasonable and necessary expenses, not otherwise payable by the City as compensation, and incurred by the Mayor and Council Members for the benefit of the City. Appropriations to, and expenditures from, this fund ~~are~~ must be in the amounts fixed in the budget resolution. The Council may, by resolution, establish the purposes and procedures for the making of disbursements from this fund, including disbursements made without previous Council authorization ~~and those~~. Such disbursements are subject to audit and allowance by the Council.

(Amended, Bill 1968-16, Bill 1990-13; Bill No. 2003-23)

Subd. 6. In addition to the foregoing funds, ~~there may be maintained in~~ the City treasury may maintain, (i) one or more working capital or revolving funds, for financing self-sustaining activities not accounted for through other funds; and (ii) such other funds as may be required by law, ordinance, or the Charter.

(Amended, Bill No. 2003-23)

Subd. 7. Council may make interfund loans by resolution where permitted by law except from Trust and Agency funds.

(Amended, Bill No. 2003-23)

Section 7.13. Accounts and Reports.

The accounts of the City must be maintained on an accrual or modified accrual basis in accordance with generally accepted governmental accounting standards and procedures. The Manager must submit such reports as are necessary to keep the Council fully informed of the financial condition of the City. Once each year on or before June 30, the City Manager must submit a complete financial report of the City for the preceding fiscal year ending December 31, a summary of which must be published in the official newspaper. The Manager, under the direction of the Council, on or before June 30, must prepare at least one comprehensive public information report of the financial affairs of the City. The Manager must distribute the report to the persons and organizations and in the manner deemed advisable by the Manager.

(Amended, Bill No. 2002-2; Bill No. 2003-23)

Section 7.14. City Indebtedness.

Except as provided in Sections 7.15 and 7.16, obligations may not 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 state law, obligations may not be issued and sold without the approval of the majority of the voters of the City voting on the question at a general or special election. Before submitting a question to the voters under this Section, the Council must conduct at least one public hearing on the question preceded by published notice not more than 28 days nor less than 14 days prior to the hearing.

(Amended, Bill No. 1993-7; Bill No. 2003-23)

Section 7.15. Tax Anticipation Certificates.

At any time after January 1, following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity may not exceed 90% of the total current taxes for the fund uncollected at the time of issuance. Certificates may be issued on such terms and conditions as the Council may determine but they ~~shall~~will become due and payable not later than the first day of April of the year following their issuance. 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 must be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

(Amended, Bill No. 2003-23)

Section 7.16. Emergency Debt Certificates.

If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may, by resolution, issue and sell ~~on such terms and in such manner as the Council determines~~ emergency debt certificates to mature within three years. Such certificates will be issued and sold in a manner determined by the Council. A tax sufficient to pay principal and interest on such certificates must be levied as required by law. The resolution authorizing an issue of such emergency debt certificates must state the nature of the emergency and be approved by a majority of all the members of the Council.

(Amended, Bill No. 2003-23)

Section 7.17. State Budget Procedure.

If state law specifies a schedule and procedure for the adoption of the budget and levy of taxes that is different from that provided in sections 7.05 through 7.07 of this charter, the schedule and procedure in state law supersedes the schedule and procedure in this charter.

(Added Bill No. 2003-23)

CHAPTER 8. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. Power to Make Improvements and Levy Assessments.

The City ~~shall have~~has the power to make any ~~and every~~ type of public improvement not forbidden by the laws of this state and to levy special assessments for all or any part of the cost of ~~such improvements as are of a local character~~improvement, pursuant to the laws of the State of Minnesota.

Section 8.02. Assessments for Services.

The Council may provide by ordinance that the cost of sprinkling, snow_u or rubbish removal, or of any other service to streets, sidewalks, or other public property, or the cost of any service to other property undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

Section 8.03. Public Works; How Performed.

Public works, including all local improvements, may be constructed, extended, repaired_u and maintained either directly by day labor or by contract. The City ~~shall~~will require contractors to give bonds for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the state.

Section 8.04. Approval by Ordinance.

Any capital improvement on property owned or leased by the City, excluding street and utility rights of way, which has an estimated cost exceeding \$2,000,000.00 or expenditures for design or engineering costs exceeding \$250,000.00 must be approved by ordinance after a public hearing.

(Added, Bill No. 1998-5; Bill No. 2013-10)

Section 8.05. Notice of Public Hearings.

Notice of public hearings required by Section 8.04 ~~shall~~must be published at least twice in the official newspaper within fourteen (14) days prior to the date of the hearing. Additional

notice of such public hearings may be given in such manner as the Council may determine. This notice must contain the estimated costs of the capital improvement.

(Added, Bill No. 1998-5)

CHAPTER 9. EMINENT DOMAIN

Section 9.01. Power to Acquire Property.

The City may acquire, by purchase, gift, ~~devise, or~~ condemnation or other lawful means, any property or property right, ~~corporeal or incorporeal~~, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose. ~~Easements for slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.~~

Section 9.02. Proceedings in Acquiring Property.

The necessity for the taking of any property by the City ~~shall~~will be determined by the Council and ~~shall~~will be declared by a resolution which ~~shall~~will describe such property as near as may be possible and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the City ~~shall~~ will proceed according to the laws of this state, except as otherwise provided in this Charter.

(Amended, Bill No. 1994-4)

Section 9.03. Payment of Award Reserved.

~~Whenever an award of damages is confirmed in any proceeding for the taking of property for public use by right of eminent domain, or whenever the court renders final judgment in any appeal from any such award and the time for abandoning such proceedings by the City has expired, the City shall, within seventy (70) days of such final determination, pay the amount of the award or judgment of the court, as the case may be; and if not so paid, judgment therefor may be had against the City.~~

Section 9.04. City May Abandon Proceedings Reserved.

~~The City may dismiss all or part of the property being acquired in a condemnation proceeding so long as the dismissal is filed with the proper court prior to the expiration of the time for an appeal or before entry of judgment if an appeal has been taken. The City shall pay all reasonable costs and expenses incurred by the condemnee including attorney's fees.~~

Section 9.05. City May Take Entire Plant Reserved.

~~If the City condemns a public utility which is operated at the time of the commencement of the condemnation proceedings as one property or one system, it shall not be necessary in the condemnation~~

~~proceedings or any of the proceedings of the Council, to describe or treat separately the different kinds of property composing such system; but all of the property, lands, articles, franchises, franchise values and rights which comprise such system may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commissioners or other body assessing the damages on condemnation. This does not prevent the City, when the plant and property are separable into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.~~

CHAPTER 10. FRANCHISES

Section 10.01. Franchises Required.

Except as otherwise provided by law, no person, firm, or corporation ~~shall~~may place or maintain any permanent or semipermanent 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~~will be granted only by ordinance, which ~~shall~~may not be an emergency ordinance. Every ordinance granting a franchise ~~shall~~must contain all the terms and conditions of the franchise. The grantee ~~shall~~will bear the costs of publication of the franchise ordinance and ~~shall~~must make a sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

Section 10.02. Term.

No perpetual ~~franchise or privilege shall ever be created, nor shall any~~ exclusive franchise ~~or privilege~~may be granted ~~unless the proposed grant be first submitted to the voters of the City, and be approved by a majority of those voting thereon, nor in such case for a period of more than 25 years~~by the City.

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~~must hold a public hearing on the matter. Notice of such hearing ~~shall~~must be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

Section 10.04. Power of Regulation Reserved.

Subject to any applicable law the Council ~~may~~by ordinance, reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices ~~under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of~~to be charged by 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~~will be subject to the same limitations and ~~shall~~will 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~~may not be an emergency ordinance. The operation of all public utilities owned by the City ~~shall~~will be under the supervision of the City Manager.

Section 11.02. Rates and Finances.

Upon recommendations made by the City Manager or upon its own motion, the Council may fix rates, fares, and prices, for municipal utilities, but such rates, fares, and prices ~~shall~~will be just and reasonable. The Council ~~shall~~will endeavor to make each municipal utility financially self-sustaining and ~~shall~~may not use any municipal utility operation directly or indirectly as a general revenue-producing agency for the City. Before any rates, fares, or prices for municipal utilities ~~shall~~may be fixed by the Council, the Council ~~shall~~will hold a public hearing on the matter in accordance with Section 11.06. The Council ~~shall~~will prescribe the time and the manner in which payments for all such utility services ~~shall~~may be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

Section 11.03. Purchase in Bulk.

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

Section 11.04. Lease of Plant.

The Council may, if the public interests will be served thereby, contract with ~~any responsible person, co-partnership or corporation~~ a private party for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; ~~but such~~ Such contract ~~shall~~must be embodied in and let only by ordinance, which ~~shall~~may not be an emergency

ordinance. In no case ~~shall~~will such contract be for a longer term than ten (10) years.

Section 11.05. Public Utility. How Sold.

No public utility owned by the City ~~shall~~may 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~~are embodied in an ordinance approved by a majority of the registered voters voting thereon at a general or special election.

Section 11.06. Notice of Public Hearings.

Notice of public hearings required by this chapter ~~shall~~must be published at least once in the official newspaper at least ten (10) days prior to the date of the hearing. Additional notice of such public hearings may be given in such manner as Council may determine.

CHAPTER 12. CODE OF ETHICS

Section 12.01. The term "public official" ~~shall include~~includes all elected officials, the City Manager, and all members of boards or commissions, as are authorized under this Charter.

Section 12.02. No public official ~~shall~~may misuse such position to secure special privileges or exemptions for ~~such person~~themselves or any other person.

Section 12.03. No public official ~~shall~~may directly or indirectly receive or agree to receive, any compensation, gift, reward, or gratuity in payment for the performance of his or her official duties except as may be provided by law.

Section 12.04. No public official ~~shall~~may enter into any contract with the City which is prohibited by law. Any public official who has a proprietary interest in an entity doing business with the City ~~shall~~must make ~~known~~ that interest known in writing to the City Council and the City Clerk.

Section 12.05. Any public official who in the discharge of said official's duties would be required to take an action or make a decision which would substantially affect such official's financial interest or those of a business with which such official is associated, unless the effect on such official is no greater than on any other citizens or other members of such official's business classification, profession, or occupation, ~~shall~~must take the following actions:

- a. A written statement ~~shall~~must be prepared which will include the name, address, office held, action presenting the potential conflict of interest, the nature of the financial interest, the person notified of the potential conflict of interest, the official's signature and the date;
- b. Said person ~~shall~~must deliver copies of the statement to the City Clerk and to the official's immediate superior, if any;

- c. If a potential conflict presents itself and there is insufficient time to comply with the provisions of clauses "a" and "b" of this section, the public official ~~shall~~must verbally inform the City Clerk and the official's superior of the potential conflict. The official ~~shall~~must then file a written statement with the City Clerk within one week after the potential conflict presents itself which statement ~~shall~~must state the reason for the delay.

Section 12.06. Any intentional failure to file such statement or any intentional filing of a false written or verbal statement or any intentional omission of any required information in any required statement ~~shall~~will be unlawful and ~~shall~~will be referred by the City Clerk or the public official's immediate superior to the City Attorney for appropriate action.

(Amended, Bill 1978-14)

CHAPTER 13. MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 13.01. Official Publications.

The Council ~~shall~~must annually designate a legal newspaper of general circulation in the City as its official newspaper ~~in which shall be published.~~ This newspaper will publish all ordinances 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 manner.~~ The City may provide notices electronically as an additional form of notice or, to the extent allowed by law, as an alternative to published notices.

Section 13.02. Oath of Office.

Every elected officer of the City ~~shall~~and any other officer so required by law must, before entering upon the duties of office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution and laws of the United States and of the State of Minnesota and the Charter and ordinances of the City of Richfield and to discharge faithfully the duties devolving upon me as (Mayor, Council Member, ~~City Manager,~~ etc.) of the City of Richfield to the best of my judgment and ability."

(Amended, Bill 1990-13, Bill 1996-6)

Section 13.03. Official Bonds.

~~The City Manager, the City Clerk, the City Treasurer, Officers~~ and ~~such other officers or~~ employees of the City ~~as may be provided for~~ required by ordinance ~~shall each~~ or law to supply a bond must, before entering upon the duties of his or her 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 his or her official duties and the safekeeping of the

public funds. Such bonds may be either individual or blanket bonds in the discretion of the Council. They ~~shall~~will be approved by the City Council, and approved as to form by the City Attorney, and filed with the City Clerk. The premiums on the bonds ~~shall~~will be paid by the City.

(Amended, Bill 1990-13)

Section 13.04. Sales of Real Property.

No real property of the City ~~shall~~may be disposed of except by ordinance. The proceeds of any sale of such property ~~shall~~will 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 13.05. Vacation of Streets.

The Council may by ordinance vacate any street or alley or part thereof within the City. Such vacation may be made only after published notice and an opportunity for affected property owners 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 procedures ~~shall~~must be filed in accordance with law.

(Amended, Bill 1978-14)

Section 13.06. City to Succeed to Rights and Obligations of Former Municipality.

The City of Richfield ~~shall~~will remain vested with and continue to have, hold, and enjoy all property, property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the City of Richfield, and ~~shall~~will be subject to all liabilities which exist against said City on said date of Charter. The municipal liquor stores which have been established in the City of Richfield ~~shall~~will continue and may be operated by the City in the same manner as before the adoption of this Charter. Nothing in this Charter ~~shall~~will be construed as limiting in any manner such continuance or restricting in any way the addition of new stores or relocation of existing stores.

Section 13.07. ~~Present Officers to Hold Office Till When Reserved.~~

~~The present officers of the City shall continue in their respective offices and functions until their successors are chosen and qualify, and shall continue to govern the City in the usual manner. They shall make such financial and other provisions as will serve to carry on the government until a government has been set up under this Charter.~~

Section 13.08. Statutes not Affected by Charter.

All general laws and statutes of the state applicable to all cities operating under home rule ~~Charters~~[charters](#), or applicable to cities of the same class as the City of Richfield operating under home rule ~~Charters~~[charters](#), and not inconsistent with the provisions of this Charter, ~~shall~~[will](#) apply to the City of Richfield, and ~~shall~~[will](#) be construed as supplementary to the provisions of this Charter. The extra session laws of 1961, Chapter 28, ~~shall~~[are](#) not ~~be~~ applicable to the City of Richfield and are of no legal effect upon adoption of this Charter.

Section 13.09. 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 13.10. ~~Pending Condemnations and Assessments~~ Reserved.

~~Any condemnation or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws which such proceedings were begun. All assessments made by the municipality 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.~~

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Section 13.11. Disposition of Fines and Penalties.

All fines, forfeitures and penalties received for the violation of any ordinance ~~shall~~[must](#) be paid into the City treasury. ~~Every court or officer receiving such monies, within thirty (30) days thereafter, shall make return thereof under oath and shall be entitled to duplicate receipts for the amount paid. One of the receipts shall be filed with the City Clerk.~~

Section 13.12. Ordinances to Make Charter Effective.

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

(Amended, Bill 1978-14)

Section 13.13. Fines and Penalties. ~~(Added, Bill No. 2002-1)~~

Subdivision 1. The council may establish by ordinance a procedure for imposing an administrative penalty for any violation of the City Code or a City ordinance. The procedure must provide that any person charged with an administrative penalty will receive notices of violations and an opportunity to be heard by a neutral party, which may be the city council. The procedure may authorize the City to use the services of a non-City employee to decide whether an administrative penalty should be imposed.

(Added, Bill No. 2002-1)

Subd. 2. The City Council may provide, by ordinance, that unpaid administrative penalties be collected as a special assessment against property which was the subject matter, or related to the subject matter, of the penalty or against the property which was the location of an activity, proposed use, delivery of City service, or other circumstances that resulted in the penalty. The ordinance must provide that the City will first attempt to obtain voluntary payment of the penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed.

(Added, Bill No. 2002-1)

Section 13.14. Authority for Expenditures.

The City Council may establish a public expenditure policy ("Policy") to identify certain types of expenditures as being for a public purpose and within the City's authority to expend City funds on. The Policy will not limit the authority of the City to make expenditures otherwise authorized by law. If adopted, the Council must review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the Council must consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the Council will consider the opinion of the City Attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor.

Expenditures related to any of the following activities will be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The Council may also provide specific authorization regarding any other expenditure.

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Total changes	1128



STAFF REPORT NO. 02

WORK SESSION

1/10/2023

REPORT PREPARED BY: Chris Swanson, Management Analyst

DEPARTMENT DIRECTOR REVIEW:

OTHER DEPARTMENT REVIEW: Amy Markle, Recreation Services Director

CITY MANAGER REVIEW: Katie Rodriguez, City Manager
1/4/2023

ITEM FOR WORK SESSION:

Update on local sales tax projects and funding.

EXECUTIVE SUMMARY:

DIRECTION NEEDED:

Staff request City Council input on projects, project costs, funding strategy and timing for projects funded with a local sales tax.

BACKGROUND INFORMATION:

A. HISTORICAL CONTEXT

B. POLICIES (resolutions, ordinances, regulations, statutes, etc):

C. CRITICAL TIMING ISSUES:

Council's guidance is needed to prepare a resolution to request authority to propose a local sales tax to residents via a future referendum. The resolution must be submitted to the legislature by January 31, 2023 and must include the proposed projects, total costs and timing of the local sales tax.

Staff plan to present the proposed resolution to be approved at the January 24, 2023 Council Meeting.

D. FINANCIAL IMPACT:

E. LEGAL CONSIDERATION:

ALTERNATIVE(S):

PRINCIPAL PARTIES EXPECTED AT MEETING: