HOME RULE CHARTER OF THE
CITY OF ST. CLOUD, MINNESOTA

Comprehensive Revision
Adopted March 18, 1952,

and all

Amendments Through the
Period Ending July 10, 2017

TABLE OF CONTENTS

ARTICLE I Name and Boundaries, Form of Government and Powers of City
  Sec. 1.1 Name and Boundaries................................................................. 6
  Sec. 1.20 Form of Government................................................................. 6
  Sec. 1.30 Powers of City............................................................................. 6
  Sec. 1.40 Wards ......................................................................................... 7
  Sec. 1.41 Corrections and Adjustments to Ward and Precinct Boundaries........ 7
  Sec. 1.50 Charter Commission..................................................................... 7

ARTICLE II The Council
  Sec. 2.10 Members, Qualifications and Terms............................................ 8
  Sec. 2.11 Ward Members............................................................................ 8
  Sec. 2.20 Salaries and Expenses................................................................ 8
  Sec. 2.30 Vacancies ................................................................................... 8
  Sec. 2.40 Powers ....................................................................................... 9
  Sec. 2.60 Meetings and Procedure............................................................... 9
  Sec. 2.61 To Determine Qualifications....................................................... 10
  Sec. 2.62 Rules, Journal, Quorum............................................................... 10
  Sec. 2.63 Ordinances, Procedure............................................................... 10
  Sec. 2.64 Emergency Ordinances............................................................... 11
  Sec. 2.65 Ordinances, Resolutions and Motions......................................... 11
  Sec. 2.66 Signing and Publication of Ordinances, Mayor's Veto.................. 11
  Sec. 2.67 Signing and Publication Take Effect............................................ 12
  Sec. 2.68 Amendment and Repeal of Ordinances........................................ 12
  Sec. 2.69 Secretary of the Council.............................................................. 12

ARTICLE III The Mayor
  Sec. 3.10 Qualifications, Election, Salary.................................................. 13
  Sec. 3.20 Powers and Duties....................................................................... 13
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 3.30</td>
<td>Acting Mayor</td>
<td>14</td>
</tr>
<tr>
<td>Sec. 3.35</td>
<td>Vacancy in Office of Mayor</td>
<td>15</td>
</tr>
<tr>
<td>Sec. 3.40</td>
<td>Organizational Structure</td>
<td>15</td>
</tr>
<tr>
<td>Sec. 3.50</td>
<td>Subordinate Officers, Departments and Agencies</td>
<td>15</td>
</tr>
</tbody>
</table>

**ARTICLE IV Nominations and Elections**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 4.10</td>
<td>Regular Municipal Primary Election</td>
<td>15</td>
</tr>
<tr>
<td>Sec. 4.11</td>
<td>Nominations</td>
<td>15</td>
</tr>
<tr>
<td>Sec. 4.12</td>
<td>Withdrawal of Candidate</td>
<td>16</td>
</tr>
<tr>
<td>Sec. 4.13</td>
<td>Voting</td>
<td>16</td>
</tr>
<tr>
<td>Sec. 4.14</td>
<td>Primary Election to be Nominating Election</td>
<td>16</td>
</tr>
<tr>
<td>Sec. 4.15</td>
<td>Regular Municipal Election</td>
<td>17</td>
</tr>
<tr>
<td>Sec. 4.20</td>
<td>Beginning of Regular Terms</td>
<td>17</td>
</tr>
<tr>
<td>Sec. 4.40</td>
<td>Publication of Names of Candidates</td>
<td>17</td>
</tr>
<tr>
<td>Sec. 4.50</td>
<td>Special Elections</td>
<td>17</td>
</tr>
<tr>
<td>Sec. 4.60</td>
<td>Judges and Clerk</td>
<td>18</td>
</tr>
<tr>
<td>Sec. 4.70</td>
<td>Canvass of Elections</td>
<td>18</td>
</tr>
<tr>
<td>Sec. 4.71</td>
<td>Procedure at Elections</td>
<td>18</td>
</tr>
</tbody>
</table>

**ARTICLE V Initiative, Referendum and Recall**

<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 5.10</td>
<td>Powers Reserved by the People</td>
<td>18</td>
</tr>
<tr>
<td>Sec. 5.11</td>
<td>Terms</td>
<td>18</td>
</tr>
<tr>
<td>Sec. 5.12</td>
<td>Citizen Committees for Initiative, Referendum and Recall</td>
<td>19</td>
</tr>
<tr>
<td>Sec. 5.13</td>
<td>Expenditures by Sponsoring Committee</td>
<td>19</td>
</tr>
<tr>
<td>Sec. 5.14</td>
<td>Committee Record-Keeping Responsibilities</td>
<td>19</td>
</tr>
<tr>
<td>Sec. 5.15</td>
<td>Financial Restrictions Upon Services Rendered During Signature-Gathering Process</td>
<td>19</td>
</tr>
<tr>
<td>Sec. 5.16</td>
<td>Petition Definition</td>
<td>19</td>
</tr>
<tr>
<td>Sec. 5.17</td>
<td>Petition Preparation Procedure</td>
<td>19</td>
</tr>
<tr>
<td>Sec. 5.20</td>
<td>Initiative: Initiation of Proposed Measures</td>
<td>21</td>
</tr>
<tr>
<td>Sec. 5.21</td>
<td>Filing of Initiative Petition and Action Thereon</td>
<td>21</td>
</tr>
<tr>
<td>Sec. 5.22</td>
<td>Action of Council on Initiative Petition</td>
<td>21</td>
</tr>
<tr>
<td>Sec. 5.23</td>
<td>Effect of Election on Initiative</td>
<td>22</td>
</tr>
<tr>
<td>Sec. 5.24</td>
<td>Publication</td>
<td>22</td>
</tr>
<tr>
<td>Sec. 5.25</td>
<td>Initiative Ballots</td>
<td>23</td>
</tr>
<tr>
<td>Sec. 5.26</td>
<td>Initiation of the Charter Amendments</td>
<td>23</td>
</tr>
<tr>
<td>Sec. 5.30</td>
<td>Referendum</td>
<td>23</td>
</tr>
<tr>
<td>Sec. 5.31</td>
<td>Filing of Referendum Petition and Action Thereof</td>
<td>23</td>
</tr>
<tr>
<td>Sec. 5.32</td>
<td>Action of Council on Referendum Petition</td>
<td>23</td>
</tr>
<tr>
<td>Sec. 5.33</td>
<td>Referendum Ballots</td>
<td>24</td>
</tr>
<tr>
<td>Sec. 5.40</td>
<td>Recall</td>
<td>24</td>
</tr>
<tr>
<td>Sec. 5.41</td>
<td>Filing of Recall Petition and Action Thereon</td>
<td>24</td>
</tr>
<tr>
<td>Sec. 5.42</td>
<td>Action of Council on Recall Petition</td>
<td>25</td>
</tr>
<tr>
<td>Sec. 5.43</td>
<td>Procedure of Recall Election</td>
<td>25</td>
</tr>
<tr>
<td>Sec. 5.44</td>
<td>Effect of Recall Election</td>
<td>25</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>-----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Sec. 5.45</td>
<td>[Form of] Recall Ballots</td>
<td>25</td>
</tr>
<tr>
<td>Sec. 5.46</td>
<td>Recall as Disqualification</td>
<td>25</td>
</tr>
<tr>
<td>Sec. 5.47</td>
<td>Limitation on Recall</td>
<td>25</td>
</tr>
<tr>
<td>Sec. 5.50</td>
<td>Further Regulations</td>
<td>26</td>
</tr>
<tr>
<td>ARTICLE VI</td>
<td>Planning Commission</td>
<td></td>
</tr>
<tr>
<td>Sec. 6.10</td>
<td>Organization</td>
<td>26</td>
</tr>
<tr>
<td>Sec. 6.20</td>
<td>Term of Office; Vacancies</td>
<td>26</td>
</tr>
<tr>
<td>Sec. 6.30</td>
<td>Power and Duties</td>
<td>26</td>
</tr>
<tr>
<td>Sec. 6.40</td>
<td>Legal Effect</td>
<td>27</td>
</tr>
<tr>
<td>Sec. 6.50</td>
<td>Platting or Subdivision Control</td>
<td>27</td>
</tr>
<tr>
<td>Sec. 6.51</td>
<td>Regulations for Platting</td>
<td>28</td>
</tr>
<tr>
<td>Sec. 6.60</td>
<td>Power to Incur Debt Limited</td>
<td>28</td>
</tr>
<tr>
<td>ARTICLE VII</td>
<td>Civil Service</td>
<td></td>
</tr>
<tr>
<td>Sec. 7.10</td>
<td>Merit Basis of Appointment</td>
<td>28</td>
</tr>
<tr>
<td>Sec. 7.20</td>
<td>Membership; Duties</td>
<td>28</td>
</tr>
<tr>
<td>Sec. 7.30</td>
<td>Classification of Employees</td>
<td>28</td>
</tr>
<tr>
<td>Sec. 7.40</td>
<td>Retention of Present Civil Service Commissioners and Rules</td>
<td>29</td>
</tr>
<tr>
<td>Sec. 7.50</td>
<td>Classification</td>
<td>30</td>
</tr>
<tr>
<td>Sec. 7.60</td>
<td>Rules, Board to Make</td>
<td>30</td>
</tr>
<tr>
<td>Sec. 7.61</td>
<td>Competition Suspended, When</td>
<td>32</td>
</tr>
<tr>
<td>Sec. 7.70</td>
<td>Schedule of Pay</td>
<td>32</td>
</tr>
<tr>
<td>Sec. 7.80</td>
<td>Appointments by Mayor Restricted</td>
<td>32</td>
</tr>
<tr>
<td>Sec. 7.90</td>
<td>Prohibitions</td>
<td>32</td>
</tr>
<tr>
<td>ARTICLE VIII</td>
<td>Finance</td>
<td></td>
</tr>
<tr>
<td>Sec. 8.10</td>
<td>Control of Finances</td>
<td>33</td>
</tr>
<tr>
<td>Sec. 8.11</td>
<td>Fiscal Year</td>
<td>33</td>
</tr>
<tr>
<td>Sec. 8.12</td>
<td>Local Taxation</td>
<td>33</td>
</tr>
<tr>
<td>Sec. 8.13</td>
<td>Board of Equalization</td>
<td>33</td>
</tr>
<tr>
<td>Sec. 8.20</td>
<td>Annual Budget</td>
<td>33</td>
</tr>
<tr>
<td>Sec. 8.21</td>
<td>Alteration</td>
<td>34</td>
</tr>
<tr>
<td>Sec. 8.22</td>
<td>Enforcement</td>
<td>34</td>
</tr>
<tr>
<td>Sec. 8.23</td>
<td>Emergency Appropriation in Budget</td>
<td>34</td>
</tr>
<tr>
<td>Sec. 8.30</td>
<td>Levy of Taxes</td>
<td>35</td>
</tr>
<tr>
<td>Sec. 8.31</td>
<td>Tax Settlement</td>
<td>35</td>
</tr>
<tr>
<td>Sec. 8.40</td>
<td>Funds of the City</td>
<td>35</td>
</tr>
<tr>
<td>Sec. 8.41</td>
<td>Additional Funds</td>
<td>36</td>
</tr>
<tr>
<td>Sec. 8.42</td>
<td>Present Monies Apportioned</td>
<td>36</td>
</tr>
<tr>
<td>Sec. 8.43</td>
<td>Contingent Fund</td>
<td>36</td>
</tr>
<tr>
<td>Sec. 8.50</td>
<td>Receipts and Accounts</td>
<td>36</td>
</tr>
<tr>
<td>Sec. 8.51</td>
<td>Comprehensive Audit</td>
<td>37</td>
</tr>
<tr>
<td>Sec. 8.60</td>
<td>Tax Anticipation Certificates</td>
<td>37</td>
</tr>
<tr>
<td>Sec. 8.61</td>
<td>Emergency Debt Certificates</td>
<td>37</td>
</tr>
</tbody>
</table>
Sec. 8.62 Purchases and Contracts .................................................. 37
Sec. 8.70 Payment from Treasury .................................................. 37
Sec. 8.80 Investment of Surplus Funds ......................................... 38

ARTICLE IX Bonds
Sec. 9.10 Power to Issue, Limitations ........................................... 38
Sec. 9.20 Proceeds ....................................................................... 39

ARTICLE X Improvements and Special Assessments
Sec. 10.10 General Powers and Procedure .................................... 39
Sec. 10.11 Procedure .................................................................. 40
Sec. 10.12 Reference to Planning Commission .............................. 40
Sec. 10.20 Limitations on Council ................................................ 41
Sec. 10.21 Repairs and Replacements .......................................... 41
Sec. 10.22 Regulations to be Adopted .......................................... 42
Sec. 10.23 State Law to Govern .................................................. 42

ARTICLE XI Acquisition of Property
Sec. 11.10 Power to Acquire Property ........................................... 43
Sec. 11.11 Proceedings in Taking Property .................................... 43
Sec. 11.12 Payment of Award ..................................................... 43
Sec. 11.13 City May Abandon Proceedings .................................. 43
Sec. 11.20 City May Take Entire Plant ........................................ 43

ARTICLE XII Franchises
Sec. 12.10 Franchises Defined ...................................................... 44
Sec. 12.20 Franchise Ordinances .................................................. 44
Sec. 12.30 Term of Franchises Limited ........................................ 44
Sec. 12.40 Power to Regulate and Control .................................... 44
Sec. 12.50 Regulation of Rates and Charges ................................. 45
Sec. 12.60 Conditions in Every Franchise .................................... 45
Sec. 12.70 Further Provisions of Franchises ................................. 46

ARTICLE XIII Public Ownership and Operation of Utilities
Sec. 13.10 Acquisition and Operation of Utilities ......................... 47
Sec. 13.20 Rates and Finances ..................................................... 47
Sec. 13.30 Purchase in Bulk ....................................................... 47
Sec. 13.40 City to Pay for Services .............................................. 47
Sec. 13.50 Lease of Plant ........................................................... 47
Sec. 13.60 Public Utility; How Sold ............................................. 48

ARTICLE XIV Miscellaneous and Transitory Provisions
Sec. 14.10 Official Publications .................................................. 48
Sec. 14.20 Oath of Office ............................................................. 48
Sec. 14.30 City Officers Not to Accept Favors or Contracts ........... 48
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 14.31</td>
<td>Interference with Administration</td>
<td>49</td>
</tr>
<tr>
<td>Sec. 14.40</td>
<td>Bonds of Officials and Employees</td>
<td>49</td>
</tr>
<tr>
<td>Sec. 14.50</td>
<td>Sales of Real Property</td>
<td>49</td>
</tr>
<tr>
<td>Sec. 14.60</td>
<td>Vacation of Streets</td>
<td>49</td>
</tr>
<tr>
<td>Sec. 14.70</td>
<td>City to Succeed to Rights and Obligations</td>
<td>49</td>
</tr>
<tr>
<td>Sec. 14.80</td>
<td>Present Officers to Hold Office</td>
<td>50</td>
</tr>
<tr>
<td>Sec. 14.81</td>
<td>Statutes Not Affected by Charter</td>
<td>50</td>
</tr>
<tr>
<td>Sec. 14.82</td>
<td>Existing Ordinances Continued</td>
<td>50</td>
</tr>
<tr>
<td>Sec. 14.83</td>
<td>Pending Condemnations and Amendments</td>
<td>50</td>
</tr>
<tr>
<td>Sec. 14.84</td>
<td>Ordinances to Make Charter Effective</td>
<td>50</td>
</tr>
<tr>
<td>Sec. 14.85</td>
<td>Civil Penalties</td>
<td>50</td>
</tr>
</tbody>
</table>
HOME RULE CHARTER

of the

CITY OF ST. CLOUD

ARTICLE I Name and Boundaries, Form of Government and Powers of City

Sec. 1.10 Name and Boundaries

The inhabitants of the City of St. Cloud, a municipal corporation of the State of Minnesota, within the corporate limits and boundaries as established by Section 2 of Chapter I of the Home Rule Charter of the City of St. Cloud, Minnesota, adopted November 28, 1911, and as the same may have been lawfully changed thereafter, in the counties of Stearns, Benton and Sherburne, shall upon the taking effect of this amendment continue to be a municipal body, politic and corporate in perpetuity under the name of the City of St. Cloud. The area embraced within said limits and boundaries shall be divided into wards as hereinafter provided in Sec. I.40 hereof.

Sec. 1.20 Form of Government

The municipal government provided by this amendment shall be known as the Council-Mayor government. Pursuant to its provisions and subject only to the limitations imposed by the constitution or statutes of the State of Minnesota and by this charter, all powers of the City shall be vested in a Mayor and elective council, hereinafter referred to as "the Council", which shall enact local legislation, adopt budgets and determine policies, all subject to the initiative, referendum and recall powers of the people as hereinafter provided. All powers of the City shall be exercised in the manner prescribed by this amendment, or if the manner be not prescribed herein, then in such manner as may be prescribed by ordinance.

Sec. 1.30 Powers of City

The City of St. Cloud shall have all the powers of cities granted by common law, by the constitution and by the general laws of this State to municipal corporations and cities having "Home Rule Charter," together with all the implied powers necessary to carry into execution all of the powers granted. The City of St. Cloud, by and in its corporate name, shall have perpetual succession, and save as herein otherwise provided and save as prohibited by the constitution or statutes of the State of Minnesota, it shall have and exercise all powers, functions, rights and privileges possessed by it prior to the adoption of this amendment. The City may acquire property within or without its corporate limits for any City purpose, in fee simple, or any lesser interest or estate, by purchase, gift, device, lease, or condemnation, and may sell, lease, mortgage, hold, manage and control such property as its interests may require; and it may contract with the counties in which it is situated or with other municipalities for such joint services and utilities as may seem desirable and for all other legitimate purposes. The enumeration of particular powers for this amendment shall not be deemed to be exclusive and in addition to the powers enumerated therein or implied thereby or appropriate
to the exercise of such powers, it is intended that the City shall have and may exercise all powers which under the constitution of this State and its statutes it would be competent for this amendment specifically to enumerate.

Sec. 1.40 Wards

The area of the City as now or hereinafter established shall be divided into four wards.

Within the timelines determined by State law for redistricting of election districts, the City Council shall redetermine the boundaries of the wards of the City in accordance with the population determined in the official decennial federal census. Whenever wards have been so reapportioned no further reapportionment thereof shall be made until the announcement of the population disclosed by the next federal decennial census except those allowed by Section 1.41 of this Charter. In the event any territory shall be annexed to the City it shall become part of the adjoining ward.

Each ward shall consist of contiguous compact territory, and whenever possible ward lines shall follow the center line of streets, avenues, alleys and boulevards. Ward lines shall not divide then-existing residences or platted blocks. Wards shall be equally apportioned by population within an allowance of ± .25% of the population of the City as disclosed by the last preceding decennial federal census.

No reapportionment of wards shall disqualify a resident member of the Council from completing the term of office being served at the time the reapportionment ordinance is adopted, nor shall any reapportionment ordinance apply to any city election for which filing for office has opened at the time such ordinance is adopted. If the Council fails to reapportion in accordance with this section within the period prescribed, the Mayor and Council shall forfeit all remuneration until the wards of the City are reapportioned as required by this amendment; provided, that the Mayor shall not forfeit compensation unless the Mayor vetoes such ordinance and the veto is not overridden.

Sec. 1.41 Corrections and Adjustments to Ward and Precinct Boundaries

The City Clerk may request adjustments to the City’s wards and precinct boundaries, when, due to irregularities or inconsistencies involving the redistricting process or change in the boundaries of the City, the resulting ward and precinct alignment results in the creation of a voting precinct containing less than one hundred registered voters. Such adjustments shall require the approval of the City Council, and shall not invalidate the population distribution guidelines established in Section 1.40 of this Charter.

Dates for adopting changes in ward or precinct boundaries, posting notices of such changes and notifying voters affected by boundary changes shall be established in the manner provided in the rules of the secretary of state.

Sec. 1.50 Charter Commission

The Charter Commission shall be composed of nine (9) members, each of whom shall be a
qualified voter of the City. Charter Commission members shall hold office for a term of four (4) years. The Charter Commission shall meet in accordance with the requirements of Chapter 410 of Minnesota Statutes.

ARTICLE II The Council

Sec. 2.10 Members, Qualifications and Terms

The Council shall be composed of seven members, four of whom shall be ward members as set forth in Section 2.11 and three of whom shall be members at large, all of whom shall be qualified electors.

Terms of the Council members elected at the regular city election shall be four years.

Terms of the Council members elected in 2008 shall be extended from the time they take office to the first regular scheduled City Council meeting in January of 2013.

Terms of the Council members elected in 2010 shall be extended from the time they take office to the first regular scheduled City Council meeting in January 2015.

Sec. 2.11 Ward Members

Each ward shall be represented by one member who shall be a qualified elector, who must reside in the ward in which they are seeking election.

Sec. 2.20 Salaries and Expenses

The Council’s salary shall be fixed from time to time by ordinance in the manner prescribed by State law. Such salaries shall be paid as other salaries are paid.

Members of the Council shall receive reimbursement for all expenses incurred in the performance of their official duties and shall be paid as other claimants are paid.

Sec. 2.30 Vacancies

A vacancy should be deemed to exist on the Council when the person elected or appointed thereto dies before taking office or fails to qualify or when the incumbent (1) dies; (2) resigns in writing filed with the City Clerk; (3) is convicted of a felony; (4) ceases to reside in the City or in the ward from which appointed or elected; (5) is adjudged incompetent by a court of competent jurisdiction; or (6) fails, without good cause, to perform Council duties for a period of three consecutive months, in which case the Council shall, by resolution stating the grounds therefor, declare the office vacant. In each such case, the Council shall, by resolution, declare the vacancy to exist and shall, within thirty (30) days, appoint a registered voter (and qualified elector) to fill the vacancy. If, after thirty (30) days, the Council has failed to appoint such person, the Mayor shall make the appointment. If a vacancy is declared by the Council less than ninety (90) days before a general election or municipal
election, no such interim appointment shall be made. The appointee shall serve until a successor shall be chosen by election to fill the balance, if any, of the unexpired term at the first general election or municipal election following the declaration of the vacancy.

Sec. 2.40  Powers

All legislative powers of the City and the determination of all matters of policy shall be vested in the Council. Without limitation of the foregoing, the Council shall have the power to:

A. Create, change and abolish offices, departments or agencies of the City, other than the offices, departments and agencies established by this charter. The Council, by ordinance, may assign additional functions or duties to offices, departments or agencies established by this charter or established by authorization hereunder, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this charter to any particular office, department or agency.

B. Adopt the city budget.

C. Inquire into the conduct of any office, department, division or agency of the City and make investigations of municipal affairs.

D. Authorize the issuance of bonds by a bond ordinance.

E. Approve the appointments made by the Mayor of members of Boards and Commissions, and of the City Administrator.

F. Adopt plats. Adopt and from time to time modify the official map of the City.

G. Provide for the passage and enforcement of a building-zoning code, embracing regulation of buildings, public safety, inspection, fire limits, slum clearance, adequate housing and matters related thereto or implied herein.

H. Provide for an audit of the City's books and accounts at any time when needed or deemed advisable, and when such audit shall not coincide nor conflict with the regular comprehensive annual audit as required by Sec. 8.51 of this charter.

I. Adopt ordinances and resolutions in the manner hereinafter provided.

J. Fix and change precinct boundaries.

Sec. 2.60  Meetings and Procedure

The members of the Council elected shall be inducted into office at the first regular scheduled Council meeting in January of the year following the election. At such meeting, after their induction, the election of council officers provided for in Section 2.62 shall take place. After such
meeting the Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. All meetings of the Council shall be held in the evening except by unanimous vote of all council members. All meetings of the Council and its committees shall be open to the public.

Agendas shall be published prior to regularly scheduled council meetings. The Council shall cause the minutes of its meetings to be published monthly in the official newspaper, or shall televise the council meetings. If proceedings are televised for public access, the following actions are required:

1. A summary of the meeting will be published and will include a listing of all actions.

2. A copy of the minutes of the meetings will be available from the City upon request.

Sec. 2.61 To Determine Qualifications

The Council shall be the judge of election and qualifications of its members and for such purpose shall have power to subpoena witnesses and require the production of records, but the decision of the Council in any such case shall be subject to review by the courts.

Sec. 2.62 Rules, Journal, Quorum

The Council shall elect from its membership a president and a vice-president and shall determine its own rules for order of business. The president shall preside at all Council meetings and in case of death, disability or absence the vice-president shall preside. The Council shall keep a journal of its proceedings and the journal shall be open to public inspection. A majority of members shall constitute a quorum to do business but a less number may adjourn from time to time. The Council may provide by rule a means by which a majority may compel the attendance of absent members.

Sec. 2.63 Ordinances, Procedure

All legislation shall be by ordinance unless otherwise provided by this charter. The enacting clause of all ordinances passed by the Council shall be "The Council of the City of St. Cloud hereby ordains". Every ordinance shall be introduced in writing and every ordinance other than emergency ordinances shall have one public reading in full. Upon introduction of a proposed ordinance, a notice shall be published at least once in the official city newspaper containing a summary of said proposed ordinance, together with a notice stating the time and place when and where said ordinance will be given a public reading and hearing and be considered for final passage. The publication shall be at least one week prior to the time set for the hearing. At the time and place set in said notice, or at any time and place to which said hearing shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard. After such reading and hearing, the Council may finally pass such ordinance with or without amendment, except that if it shall make an amendment which constitutes a change of substance it shall not finally pass the ordinance until it shall have caused a like notice of hearing to be published at least once, which notice of hearing shall contain a summary of the proposed amendment, and which notice shall state the time and place when and where such amended ordinance shall be further considered. Said publication shall
be at least three days prior to the time stated. At the time stated in said notice of hearing, or at any
time and place to which a public hearing thereon shall be held, and after such hearing the governing
body may finally pass such amended ordinance or again amend it subject to the same conditions.

Sec. 2.64 Emergency Ordinances

Emergency ordinances are ordinances for the immediate preservation of the public peace, health or
safety in which the emergency is defined or declared in a preamble thereto, separately voted upon
and agreed to by a five-sevenths vote of all members of the Council. Emergency ordinances must
be in writing, but may be enacted after one reading and without hearing and without publication
prior to enactment. No grant of any franchise shall be construed to be an emergency ordinance.

Sec. 2.65 Ordinances, Resolutions and Motions

Except as otherwise provided in this Charter, all legislation shall be by ordinance. The votes of
Council members on any legislative action shall be recorded in accordance with statute. Except as
otherwise provided in this Charter, all powers, other than legislative, shall be exercised by
resolutions or motions. Every resolution shall be presented in writing, and shall be read in full
before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous
consent.

Except as otherwise provided in this Charter, city ordinances or state statute, an affirmative vote of
a majority of all members of the Council shall be required for the adoption of all ordinances and
resolutions, with all other action taken by simple majority of a quorum. The Council, by ordinance,
may establish higher majorities for specific matters.

Sec. 2.66 Signing and Publication of Ordinances, Mayor's Veto

Final adoption of an ordinance shall occur upon completion of one of the following procedures:

A. Passage by the Council, signature by the president of the Council, signature of
   approval by the Mayor, and filing with the clerk;

B. Passage by the Council, signature by the President of the Council, filing with the
   clerk and failure of the Mayor to veto the same within ten (10) days after such filing;
   or

C. Passage by the Council, signature by the President of the Council, veto of the
   ordinance by the Mayor within ten (10) days after passage or filing with the clerk,
   and passage of the ordinance over the Mayor's veto by a five-sevenths vote of all the
   members of the Council, and filing with the clerk.

When an ordinance has been passed by the Council and filed with the clerk, the clerk shall endorse
the filing thereon; and shall forthwith transmit the ordinance to the Mayor. If the Mayor
disapproves the ordinance, the Mayor may veto the same within ten (10) days after filing of the
same with the clerk by appending thereto a statement of veto and may state reasons for 
disapproving the same; if the Mayor fails to approve or veto the ordinance, the Mayor shall return 
the same to the clerk forthwith after the expiration of the 10 days.

Within fifteen (15) days after final adoption of an ordinance by the Council, the clerk shall cause 
the same or a summary of such ordinance to be published at least once in the official paper of the 
city, except in the case of franchise ordinances previously published. Copies of the ordinances shall 
be available from the City upon request.

Sec. 2.67 Signing and Publication Take Effect

Emergency ordinances and ordinances and resolutions making the annual tax levy, determining the 
annual budget and providing for local improvements and assessments, shall take effect immediately 
upon their final adoption. All other ordinances enacted by the Council shall take effect 30 days 
after the date of their final adoption unless a later date is fixed therein, in which event they shall 
take effect at such later date. Ordinances adopted by the electors of the city shall take effect at the 
time fixed therein, or if no such time is designated therein, then immediately upon the adoption thereof.

Sec. 2.68 Amendment and Repeal of Ordinances

No ordinance or subdivision thereof, if subdivided, shall be amended or repealed except by 
ordinance. An ordinance may be repealed by reference to its title alone. When the ordinance to be 
amended is subdivided, one or more of the subdivisions thereof may be amended by a single 
ordinance.

When an ordinance, or a particular chapter, section, or other subdivision thereof, is to be amended, 
the published notice of the hearing provided for in Section 2.63 of this amendment shall set forth, in 
lieu of the summary of the amending ordinance as provided in said Section 2.63, the ordinance, or 
the particular chapter, section, or other subdivision thereof to be amended, as the case may be, with 
the part or portion thereof to be deleted printed in bold type and enclosed in parenthesis, and with 
the provision to be added underscored; provided, however, that, if any proposed amendment is to be 
effectuated through changes of charts, maps, or other illustrative appendages to ordinances, the 
proposed amended chart, map, or other illustrative appendage shall be filed with the city clerk, and 
the notice of said public hearing need only give notice of the fact of such filing and a summary of 
the proposed changes.

Sec. 2.69 Secretary of the Council

The Council shall choose a secretary and such other officers and employees as may be necessary to 
serve at its meetings. The secretary shall keep such records and perform all duties conferred and 
required by this charter or by vote of the Council. The Council may designate any official or 
employee of the City, except the Mayor or a member of the Council, to act as its secretary.
ARTICLE III The Mayor

Sec. 3.10 Qualifications, Election, Salary

The Mayor shall be a registered voter of the City of St. Cloud, shall be eligible to hold office under the Constitution of the State of Minnesota, and shall be elected at large by the voters of the entire City. The term of office for the Mayor elected at the general election shall be four years. The Mayor's salary shall be fixed from time to time by ordinance in the manner prescribed by state law.

The term of the Mayor elected in 2008 shall be extended from the time that person takes office to the first regular scheduled City Council meeting in January 2013.

Sec. 3.20 Powers and Duties

The Mayor shall be the chief executive officer of the City and shall exercise all powers and perform such other duties as may be imposed upon the Mayor by this amendment, the ordinances of the City and the laws of the State of Minnesota and the United States of America. Subject to the provisions of this charter and any regulations consistent therewith adopted by the Council, the Mayor shall conduct the affairs of the City and is hereby authorized and directed as follows:

A. To see that this Charter and the laws, ordinances and resolutions of the City are enforced.

B. To appoint the city clerk, city attorney, city engineer, director of finance, the heads of all administrative departments, heads of operating departments and agencies established pursuant to Section 3.50 of this Charter, and with the approval by the affirmative vote of not less than the majority of the entire council, the City Administrator who shall be appointed upon the basis of his or her qualifications, and who shall devote full time and undivided attention exclusively to duties as City Administrator; the City Administrator may hold a position as the head of one or more municipal departments; the City Administrator shall be responsible for the faithful and lawful performance of these duties solely to the Mayor, who shall be responsible for the acts of the appointee.

C. To appoint all subordinate officers and employees in the departments as certified to the Mayor by the Civil Service Board.

D. To appoint all employees in the unclassified service.

E. To remove from office or employment said appointed officers, heads of departments or employees in the unclassified service, when in the Mayor's opinion such removal is to the best interest of the City.

F. To file charges against, and to recommend the removal of any employee in the classified service.
G. To exercise control over all departments and divisions of the city administration created by this Charter or which may be hereafter created by the Council.

H. To attend all meetings of the Council either in person or by properly designated representative.

I. To recommend to the Council for adoption such measures as the Mayor may deem necessary for the welfare of the people and the efficient administration of the City's affairs.

J. To keep the Council fully advised as to the financial condition and needs of the City, in accordance with Section 8.50, and to prepare and to submit to the Council the annual budget and be responsible for its administration after adoption.

K. To prepare and submit to the City Council for adoption an administrative code incorporating the details of administrative procedure, and job descriptions of administrative personnel, and, from time to time, suggest amendments to the same.

L. To perform such other duties as may be prescribed by this Charter or required of the Mayor by ordinance or resolutions adopted by the Council.

Sec. 3.30 Acting Mayor

Either after the continuous absence of the Mayor from the City for a minimum of twenty-two (22) days, or if the Council determines the Mayor is unable to perform the duties of the office, the Mayor's administrative duties shall be performed by the Acting Mayor. The City Administrator shall serve as the Acting Mayor during the first fifteen (15) days after such period of absence or inability. If the absence or inability continues then the Council shall elect an Acting Mayor from among the members of the City Council.

The Acting Mayor shall not have the power to discharge any subordinate officers. The Acting Mayor shall have all other powers and perform all the duties of the Mayor, and all acts of the Acting Mayor shall have the same force and validity as if performed by the Mayor. Any Councilperson, while serving as Acting Mayor, shall not be a voting member of the City Council. Whenever a Councilperson is serving as Acting Mayor, the membership of the Council shall be considered as being reduced by one (1) member for the purpose of complying with voting requirements.

The Acting Mayor shall continue in office until the Mayor returns from an absence, is able to perform the duties of the office, or is replaced by the electoral provisions set forth herein.

Should such absence or inability of the Mayor to perform the duties of the office be continuous for ninety (90) days, a vacancy in the Office of the Mayor may be declared to exist by the Council. If said absence or inability of the Mayor to perform the duties of the office continues for six (6)
months, a vacancy shall be declared to exist by the Council.

Sec. 3.35  Vacancy in Office of Mayor

Should a vacancy occur in the office of the Mayor, either by reason of the death, resignation or disqualification of the person holding that office, said vacancy shall be filled as follows:

Should said vacancy occur more than one year prior to the next regular municipal election, the City Council shall forthwith call a special election to be held within sixty days after said call, as provided in Sec. 4.50 hereto, at which election a duly qualified person shall be elected Mayor to fill the unexpired term. Should said vacancy occur less than one year prior to the next general City election, the Council shall, by majority vote, appoint a suitable person to fill the office of Mayor for the unexpired term.

Sec. 3.40  Organizational Structure

The function and authority of the various sections, departments and divisions of the City Administration shall be set forth in the administrative code established pursuant to Section 3.20 (k) of this Charter.

Sec. 3.50  Subordinate Officers, Departments and Agencies

There shall be a city clerk, a city attorney, a city engineer, a city assessor, and director of finance, and City administrator, and such other officers subordinate to the Mayor as the Council may create by ordinance. The Mayor, and all positions enumerated in this section, and such other positions as the Council may designate by ordinance, shall be officers of the City. The duties and authority of each officer shall be set forth in the administrative code established pursuant to Section 3.20 (k) of this Charter. Two or more sections, departments or divisions may be headed by the same person. The Council may, by ordinance, abolish offices and employments which have been created by ordinance. Subject to the provisions of Section 3.40 and Section 3.50, it may combine the duties of various offices as it may see fit.

ARTICLE IV  Nominations and Elections

Sec. 4.10  Regular Municipal Primary Election

A regular municipal primary election shall be held on the first Tuesday after the second Monday in September of each odd numbered year ending in the year 2007. Commencing with the year 2008, a regular municipal primary election shall be held on the first Tuesday after the second Monday in September of each even numbered year.

Sec. 4.11  Nominations

Only the names of candidates nominated by petition and having properly filed an affidavit of candidacy will be placed upon the election ballot. Nominating petitions and affidavits of candidacy
will be available in the office of the city clerk. Petitions for the nominations of resident council members shall be signed by registered voters of the ward from which said candidate is to be nominated. Petitions for the nomination of council members at large and Mayor may be signed by registered voters from the City at large. Each petition of nomination shall be signed by not less than twenty-five registered voters of the City. Said petitions shall contain a request that the name of the proposed candidate be placed on the ballot as a candidate for nomination for a certain office, naming said office, and shall be signed by the registered voters requesting said nomination. There shall be set opposite the signatures of the petitioners, their home number and street address. Nomination petitions for candidates must be filed in the office of the city clerk not more than ten weeks nor less than eight weeks prior to the date of the primary or special election, as the case may be.

At least two weeks before the first day to file affidavits of candidacy, the municipal clerk shall publish a notice stating the first and last dates on which affidavits of candidacy may be filed in the clerk's office, and the closing time for filing on the last day for filing.

Sec. 4.12 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 12 o'clock noon of the day after the last day for filing affidavits of candidacy, 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 be printed upon the ballot. If such withdrawal reduces the number of candidates remaining for a particular office so that the number of remaining candidates does not equal the number to be elected, then other nominations may be made by filing petitions therefor as herein provided, but not later than seven weeks prior to such election.

Sec. 4.13 Voting

Every voter shall be entitled to vote for as many candidates as there are offices to be filled, with the exception of ward council member races. Every voter shall vote for only the council ward race of the ward of the voter’s residency.

Sec. 4.14 Primary Election to be Nominating Election

At all primary elections the names of all candidates for the respective offices shall be placed upon the election ballots immediately following the designation of the office to be filled, provided that there be only two candidates for each of the offices of Mayor and the respective resident council member, their names shall not appear as candidates on the primary ballot, but shall appear as nominees on the general election ballot, and provided further that should there be only six or less candidates for council member at large, their names shall not appear on the primary ballot, but the names of all of the six or less candidates shall appear as nominees on the general election ballot.

The two candidates for each office voted upon, receiving the largest number of votes cast at said election, shall be declared to be the nominees for said office, provided that if any persons who under the provisions of this section would have been entitled to become a nominee for any office
except for the fact that some other candidate received an equal number of votes therefor, then all such persons receiving such equal number of votes, shall likewise become nominees for said office.

Sec. 4.15    Regular Municipal Election

The regular municipal election shall be held on the first Tuesday after the first Monday in November of each odd numbered year ending in the year 2007. Commencing in 2008, the regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year.

At said general elections the candidates named as nominees at the primary elections shall be nominees for the respective offices and their names shall be placed on the general election ballot immediately following the designation of the office to be filled. Each candidate's name shall be rotated with the names of the other candidates so that each name appears substantially an equal number of times at the top, at the bottom, and at each intermediate place in that group of candidates.

The nominees who shall receive the largest number of votes for the respective office at such general election shall be declared elected to said office, provided that for election to the three offices of council member at large, the three nominees for council member at large receiving the largest number of votes shall be declared to be elected to said offices.

Sec. 4.20    Beginning of Regular Terms

All officers elected at the regular general election shall take office at the first regular scheduled City Council meeting in January of the year following the election.

Sec. 4.40    Publication of Names of Candidates

The city clerk shall give two weeks' published notice, and may also give ten days' posted notice of the primary and general election. The notice shall include each candidate's name and address, the time of the election, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the election. The clerk shall also post a copy of the notice in the clerk's office for public inspection.

At least one week before the election, the city clerk shall publish a sample ballot in the official newspaper of the city.

Sec. 4.50    Special Elections

The Council may by resolution order a special election, fix the time of and provide all means for holding the same. The procedure at such election shall conform as nearly as possible to the procedure herein provided for other municipal elections.
Sec. 4.60  Judges and Clerk

The Council shall, at least ten days before each municipal election, appoint the new number of judges of election by it deemed necessary, and said judges so appointed shall appoint registered voters of the same voting district, as authorized by the Council, to serve as clerk of election. Judges and clerks acting at primary election shall also act at general elections without further appointment.

Sec. 4.70  Canvass of Elections

The Council shall meet and canvass the election returns within five days after any regular or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the city clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate with an indication of those who were elected; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The city clerk shall forthwith notify all persons elected of the fact of their election.

Sec. 4.71  Procedure at Elections

The conduct of elections shall be regulated by ordinance, subject to the provisions of this charter and of the general laws of Minnesota. In determining the results of municipal elections, as well as in all matters of election procedure not covered by this Charter or by ordinance, all officers shall be guided by the rules laid down in the general statutes for the conduct of election in this State, except that where such rules are incompatible with the provisions of this Charter, they shall not be enforced in the election of municipal officers.

ARTICLE V  Initiative, Referendum and Recall

Sec. 5.10  Powers Reserved by the People

The people of St. Cloud reserve to themselves the powers, in accordance with the provisions of this charter, to initiate and adopt ordinances, to require ordinances passed by the Council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

Sec. 5.11  Terms

In this Article V:

11 a. "Registered Voters:" Persons registered as voters of the City of St. Cloud.


11 c. "Affidavit:" A sworn document; that is, a document signed and notarized.
Sec. 5.12  Citizen Committees for Initiative, Referendum and Recall

Any five registered voters may form themselves into a committee for the purpose of initiation of any measure of public concern or for the purpose of calling for referendum or recall.

Sec. 5.13  Expenditures by Sponsoring Committee

An initiative, referendum or recall committee shall be permitted to incur expenses relating to the preparation of their petition, including but not limited to legal advice, stationary, copying, printing, postage, advertising and notaries fees.

Sec. 5.14  Committee Record-Keeping Responsibilities

Any initiative, referendum or recall committee is responsible for keeping records of income and expenditures during the time prior to the filing of its petition and its accompanying signature papers and affidavits, and for submitting such records to the City Clerk within ten (10) days of the filing of the petition.

Sec. 5.15  Financial Restrictions Upon Services Rendered During Signature-Gathering Process

No member of any initiative, referendum or recall committee, nor any other circulator of a signature paper attached to a proposal, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof. Any violation of the provisions of this section shall constitute a misdemeanor.

Sec. 5.16  Petition Definition

The petition for the adoption of any proposed measure shall consist of the proposed measure and all necessary statements, together with the list of committee members' names and addresses, and all the attached signature papers and affidavits. These papers together shall comprise a single instrument.

Sec. 5.17  Petition Preparation Procedure:

17.a. Proposal Filing and Verification:
Committee members shall formulate a written draft of their proposed measure. After formulating their proposal and before soliciting signatures, they shall file a certified copy of their proposed measure in the office of the City Clerk, together with their names and addresses as members of the sponsoring committee. Such committee may, at time of filing, seek the opinion of the City concerning the proper preparation of their proposed measure. If a committee seeks such opinion, the City Clerk's office shall, within three (3) working days of the filing of the proposal and after review by the City Attorney's office, inform at least one (1) member of the committee whether or not said proposal is in proper form. Proposals determined at this time to be not in proper form may be amended and refiled.
17.b. **Signature Papers:**
Upon filing or, if a committee so chooses, upon confirmation that a proposal form is properly prepared, sponsoring committee members may begin gathering signatures in support of said proposal. When gathering signatures for their proposed measure, committee members need not collect all signatures on one signature paper; however, all signature papers must be in substantially the same form. Each circulator of signature papers shall attach a notarized signature to his/her papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures; in the case of referendum, such affidavit also shall certify that each signature paper had attached to it, when circulated, a copy of the ordinance in question. Circulators of signature papers need not be committee members.

Appropriate forms for sponsoring committees to use for gathering petition signatures shall be made available in the office of the City Clerk. Any such signature form, or any other form prepared for such purpose by the sponsoring committee, shall contain the following:

- an introductory line identifying the type of measure being proposed: either petition, referendum or recall.
- a space for inserting the proposed measure and all necessary statements; and, if necessary in referendum, an attached copy of ordinance in question.
- space for listing the names and addresses of the sponsoring committee members.
- a statement of the fact that the undersigned signators, registered as voters of the City of St. Cloud, understand the attached measure and petition for its adoption, or, in lieu thereof, for its submission to the voters for their approval.
- space for the printed names, signatures and addresses of signators.
- space for the signature of the circulator of each signature paper.

A notarization form also shall be made available by the City Clerk's office for use by petition circulators.

Upon completion of the signature-gathering process, the committee shall file in the office of the City Clerk the completed petition, including the draft of the measure, the names and addresses of the committee members and all signature papers and affidavits.

17.c. **Eligibility of Petition Signators:**
Circulators of petition papers shall solicit signatures of registered voters of the City of St. Cloud. For the purposes of eventual verification of signatures by the City Clerk, persons shall be considered registered to vote when their properly-completed voter registration cards are delivered to the appropriate county auditors, at a time prior to submission of the petition to the City Clerk.

17.d. **Sufficiency of Petition Signatures:**
For a petition to be sufficient, it must have a number of signatures equivalent to a given percentage of registered voters at the time of the state or city general election immediately prior to the filing of said petition.
Initiative petition requires five percent (5%) or fifteen percent (15%) for special action (refer to Section 5.22).

Referendum petition requires five percent (5%).

Recall petition requires twenty-five percent (25%).

Sec. 5.20 Initiative: Initiation of Proposed Measures

Any five (5) registered voters may form themselves into a committee for the initiation of any proposed measure of public concern. They shall prepare their proposed measure and conduct the signature gathering and file their completed petition according to Sec. 5.16 and Sec. 5.17.

Sec. 5.21 Filing of Initiative Petition and Action Thereon

Completed initiative petition papers shall be filed in the office of the City Clerk.

Within thirty (30) days of the filing of the petition, the City Clerk shall determine a) the number of registered voters whose signatures are on the petition, and b) the percentage of the total number of registered voters (at the time of the state or city general election immediately prior to the filing of the petition) which such number constitutes, and c) whether the petition is irregular in any manner.

If the City Clerk finds the numbers of signatures insufficient or finds the petition irregular in any other manner, the Clerk shall at once notify one or more of the committee members of the fact, certifying the reasons for the findings. The committee shall then be given one ten (10) working days in which to file additional signature papers or to correct the petition in all other particulars; the City Clerk shall be given ten (10) additional working days to examine the corrected petition.

If at the end of that period the petition is found to be still insufficient or irregular, the Clerk shall file the same in the office of the City Clerk and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the measure to voters at the next general or any special election, at its option.

Sec. 5.22 Action of Council on Initiative Petition

If an initiative petition is found to be sufficient, the City Clerk shall submit the measure to the City Council at its next regular meeting, with a certified statement stating the number of petitioners who are registered voters, and the percentage of the total number of registered voters (at the time of the last state or city general election) which they constitute. The City Council shall provide for public hearing on the measure.

The City Council shall act upon the measure within thirty (30) days after the date on which the City Clerk submitted it to the Council.
A. The measure may be passed by the Council:

1. Without alteration

2. In an altered form, pending its acceptance by the sponsoring committee members as satisfactory. An altered measure shall be considered satisfactory if it is not objected to by more than one-fifth (1/5) of the committee members, such objection to be in writing to the City Clerk within ten (10) days of passage of the measure by the Council.

If the measure is passed in a manner satisfactory to the sponsoring committee, adoption of the measure by the City and any further actions thereon shall be according to the procedures outlined in Sections 2.66, 2.67 and 2.68 of this charter.

B. If the measure is not passed by the Council, or if it is passed but in an altered form unsatisfactory to more than one-fifth (1/5) of the sponsoring committee, it shall be submitted to a vote of the people:

1. At the next state or city general election, if the petition had signatures equal to at least five percent (5%) of the total number of registered voters at the time of the last state or city general election, or

2. At a special election, or at the next state or city general election (at the discretion of the Council, should a general election occur within a reasonable time following the submission of the petition) if the petition had signatures equaling at least fifteen percent (15%) of the total number of registered voters at the time of the last state or city general election.

Sec. 5.23 Effect of Election on Initiative

Should an initiative proposal be submitted to a vote of the people and receive a majority of the votes cast thereon at such election, such initiative shall thereupon take effect as a City ordinance immediately upon confirmation of the election results, unless a later date is fixed in the ordinance. Any subsequent action by the Council to amend or repeal such an ordinance must be submitted to a vote of the people. Any ordinance adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

Sec. 5.24 Publication

Whenever any initiative petition is received by the City Council, such measure shall be published in full once in the official newspaper of the City; if the measure is amended before final action, the amendment shall be published in like manner. Any such publication is to occur at least one (1) week prior to the date of final action by the Council, and/or at least one (1) week prior to the general or special election at which the measure is submitted to a vote of the people. Publication
responsibility shall rest with the City.

Sec. 5.25 Initiative Ballots

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

Sec. 5.26 Initiation of the Charter Amendments

Nothing contained in this charter shall be construed as in any way affecting the right of the voters under the constitution and statutes of Minnesota to propose amendments to this charter.

Sec. 5.30 Referendum

Any five (5) registered voters may form themselves into a committee for the sole purpose of repealing or submitting to a vote of the voters part or all of a new ordinance, not offering any alternative proposals. The proposal shall include a copy of the new ordinance which the sponsoring committee seeks to repeal. Each signature paper shall include a copy of the ordinance in question, or attach said copy to each paper, if the ordinance is too long for inclusion on a signature paper. The committee shall prepare its proposed measure in all other regards and shall conduct the signature gathering and file the completed petition according to Sec. 5.16 and 5.17. A completed referendum petition shall be filed with the office of the City Clerk prior to the time when the new measure would take effect. The said measure would thereby be prevented from going into effect.

Sec. 5.31 Filing of Referendum Petition and Action Thereof

Completed referendum petition papers shall be filed in the office of the City Clerk.

Action by the City Clerk regarding referendum petition shall be the same as the action regarding initiative petition (refer to Sec. 5.21).

If after an insufficient petition has been resubmitted by the committee and examined by the City Clerk, such petition is found to be still insufficient or irregular, the Clerk shall file the petition in the office of the City Clerk and shall notify each member of the committee of that fact.

Sec. 5.32 Action of Council on Referendum Petition

If a referendum petition is found to be sufficient, the City Clerk shall submit the measure to the City Council at its next regular meeting, with a certified statement that the number of petitioners who are registered voters is equal to at least five percent (5%) of the total number of registered voters at the time of the last state or city general election.
The Council shall then again consider the ordinance at its next regular meeting, and

A. repeal the ordinance, or

B. repeal the section or sections of the ordinance to which the petitioners object, or

C. reaffirm the ordinance as originally passed. If the Council reaffirms the ordinance, it must call a special election without delay, or place the ordinance on the ballot of the next state or city general election (at the discretion of the Council, should a general election occur within a reasonable time of the submission of the referendum petition); the ordinance shall remain suspended, pending the outcome of the election. The ordinance shall not go into effect if a majority of the voters oppose it; otherwise it shall go into effect immediately, unless a later date is specified in the ordinance.

Sec. 5.33 Referendum Ballots

The ballots used in any referendum election shall conform as nearly as possible to the rules laid down in Sec. 5.25 of this charter for initiative ballots.

Sec. 5.40 Recall

Any five (5) registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. Such a proposal shall be in the form of a certified statement stating the name of the officer whose removal is sought, the grounds for removal in not more than two hundred fifty (250) words, and the committee's intention to bring about the officer's recall. Such committee shall prepare their proposal in all other regards and shall conduct the signature gathering and file the completed petition according to Sec. 5.16 and Sec. 5.17.

Sec. 5.41 Filing of Recall Petition and Action Thereon

Completed Recall petition papers shall be filed in the office of the City Clerk within thirty (30) days of the filing of the initial recall proposal.

Initial action by the City Clerk to determine sufficiency or insufficiency of the recall petition shall be the same as action on initiative and referendum petitions (refer to Sec. 5.21).

If the City Clerk finds the number of signatures insufficient or finds the petition irregular in any other manner, the Clerk shall at once notify one or more of the committee members of that fact. The committee shall then be given one (1) ten (10) day period in which to file additional signature papers or to correct the petition in all other particulars, but they may not change the statement of the grounds upon which the recall is sought; the City Clerk shall be given ten (10) additional working days to examine the corrected petition.
If at the end of that time the petition is found to be still insufficient or irregular, the Clerk shall file the same in the City Clerk's office and shall notify each member of the committee of that fact. No further action will be taken thereon.

Sec. 5.42 Action of Council on Recall Petition

If the petition or amended petition be found sufficient, the City Clerk shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, on motion, provide for the holding of a special recall election throughout the City, not less than thirty (30) nor more than forty-five (45) days thereafter, provided that if any other municipal election is to occur within sixty (60) days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Sec. 5.43 Procedure of Recall Election

In the published call for the election there shall be given the statement of the grounds for the recall, and also in not more than five hundred (500) words the answer of the officer concerned in justification of his or her course in office.

Sec. 5.44 Effect of Recall Election

At said recall election should a majority of all votes cast [at said election] be in favor of the recall of said officer, said officer shall be removed and the Council shall thereupon declare a vacancy to exist. Said vacancy shall be filled in accordance with the provisions of Sec. 2.30 or 3.35 of this Charter.

Sec. 5.45 [Form of] Recall Ballots

Unless the officer whose removal is sought shall have resigned within ten (10) days after the receipt by the Council of the completed recall petition, the form of ballot at such election shall be as near as may be: "Shall a __________________________ be recalled from the office of __________________________?" The name of the officer whose recall is sought being inserted in place of a, and the voters shall be permitted to vote separately "yes" or "no" upon this question.

Sec. 5.46 Recall as Disqualification

No officer recalled [as herein provided] shall be appointed or elected to the office from which the officer was removed for a period of one (1) year from the date of removal.

Sec. 5.47 Limitation on Recall

No recall petition shall be filed against any officer until the officer has actually held office for at least one (1) year.
Sec. 5.50  Further Regulations

The Council may by ordinance make such further regulations as may be necessary to carry out the provisions of this article pertaining to the Initiative, the Referendum and the Recall.

ARTICLE VI  Planning Commission

Sec. 6.10  Organization

There shall be a City Planning Commission which shall consist of seven members who shall be appointed by the Mayor, with the approval of a majority of the entire membership of the Council, none of whom shall hold any other office or position in the City government. The Mayor and one member of the City Council shall serve as ex-officio members of the Commission. The Commission shall elect its chairman from among the appointive members.

Sec. 6.20  Term of Office; Vacancies

The term of the appointive members shall be five years. No person may be appointed to more than two successive terms as a Planning Commission member. Any vacancy during the unexpired term of an appointed member shall be filled by the Council for the remainder of the term.

Sec. 6.30  Power and Duties

The commission shall have power and shall be required to:

A. Prepare the City’s comprehensive plan and make recommendations to the City Council for its adoption and/or amendment in accordance with the requirements of Minnesota Statutes 462.355.

B. Recommend to the City Council reasonable and practical means for implementing the Comprehensive Plan or sections thereof, including: zoning ordinance, subdivision ordinance, environmentally sensitive areas ordinance, capital improvements program, official map of the city of portion thereof, small area and corridor studies, and such other measures as will accomplish the purposes of the Comprehensive Plan.

C. Administer the implementation of the Comprehensive Plan in accordance with powers granted by ordinances or direction of the City Council.

D. Submit annually to the City Mayor not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable, to be constructed during the forthcoming six year period. Such list shall be arranged in order of preference with recommendations as to which projects shall be constructed in which year.
E. Promote public interest in and understanding of the master plan, and of planning, zoning and physical development of the city.

F. Meet not less than once each month and keep a public record of its resolutions, findings and determinations, and meet at its quarterly monthly meeting with the City Council to discuss its program of development.

The commission shall have power to:

A. Require information which shall be furnished within a reasonable time from the other departments of the City government in relation to its work.

B. In the performance of its functions enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

C. Make and adopt plans for the replatting, improvement and redevelopment of neighborhoods, and to request of the Mayor additional assistance and special survey work, and the Mayor may at his or her discretion assign to the commission members of the staff of any administrative department or direct such department to make special studies requested by the commission.

D. Make recommendations to the Mayor and to the City Council for the expenditure of City funds in the purchase of property for the City for the development and improvement thereof, and to approve expenditures from the development fund as hereinafter provided.

Sec. 6.40 Legal Effect

No street, park or other public way, ground or space, no public building or structure and no public utility, whether publicly or privately owned shall be constructed or authorized in the city, nor shall any real property be acquired by the City, until and unless the location and extent thereof shall have been submitted to and approved by the commission; provided that in case of disapproval the commission shall communicate its reasons to the Council, which shall have the power to overrule such disapproval, and upon such overruling by a vote of five-sevenths of all the members of the Council, the Council or proper department shall have the power to proceed. The widening, narrowing, relocation, vacation or change in the use of any street or other public way or ground, or the sale of any public building or real property shall be subject to similar submission and approval, and failure to approve may be similarly overruled by the Council. The failure of the commission to act within thirty days after the date of official submission to the commission shall be deemed approval, unless a longer period be granted by the Council.

Sec. 6.50 Platting or Subdivision Control

The planning commission shall be the platting commission of the City and no proposed plat or subdivision shall be approved by the City Council until said proposed plat or subdivision has been submitted to and approved by the commission, provided that after disapproval by said commission
the Council may adopt said plat or subdivision by a five-sevenths vote of all the members of the Council.

Sec. 6.51 Regulations for Platting

In exercising the powers hereby granted to the planning commission, said commission shall adopt regulations governing the platting and subdivision of land within its jurisdiction. Such regulations shall provide for the harmonious development of the city and its environs, for the coordination of streets, for adequate open spaces or spaces for traffic, utilities, recreation, light and air, and for the avoidance of traffic and population congestion.

Sec. 6.60 Power to Incur Debt Limited

The planning commission shall have no power to incur indebtedness without the approval previously granted by the Council. All commission members shall serve without pay as members thereof. The Council shall pay from the municipal treasury all expenses incurred by the commission in connection with the performance of its duties and shall furnish it with all supplies, stationery and equipment it may require, but all bills and accounts of the commission shall be audited and approved by the president and secretary of the commission before being paid by the Council.

ARTICLE VII Civil Service

Sec. 7.10 Merit Basis of Appointment

Appointments and promotions in the administrative service of the City shall be made according to merit and fitness, to be ascertained so far as practicable by competitive examination. In order that qualified persons shall become interested in taking examinations for the purpose of entering the City service, and of assuring them fair treatment in their examinations and guaranteeing them satisfactory working conditions and reasonable promotion opportunities on the basis of merit, there is hereby established a Civil Service Board.

Sec. 7.20 Membership; Duties

The civil service board shall consist of five members and shall have all of the powers and duties heretofore and hereafter granted to and imposed upon the Firefighter's Civil Service Commission and the Police Officer's Civil Service Commission as provided by the statutes of Minnesota and as heretofore and hereafter established by the resolution of the City Commission and the City Council of the City of St. Cloud. The civil service board shall have such further powers and duties over the employees of the City as are hereinafter granted and provided. No member may be appointed to more than three successive terms as a Civil Service Board member.

Sec. 7.30 Classification of Employees

Subject to the laws of the State of Minnesota, where applicable, governing employment in the fire and police department of the City, the officers and employees of the City are divided into the
unclassified and classified service.

A. The unclassified service is comprised of the following offices and positions:

1. Members of the City Council and other elected officers and persons appointed to fill vacancies in elected offices.

2. The Mayor and administrative assistant.

3. The directors or heads of departments except those in the classified service of the City on the effective date of this ordinance.

4. Members of boards and commissions in the City's service.

5. Persons employed to make or conduct a special inquiry, investigation, examination or installation, if the Council and the Mayor certify that such employment is temporary and necessary and that the work should not be performed by employees in the classified service.

6. Part-time employees who shall not work more than 60 hours per two week period.

7. Temporary full-time employees who shall not work more than nine consecutive months in any twelve month period.

8. Any other officer or employee placed in the unclassified service by ordinance of the Council after consultation with the Civil Service Board.

9. Any person in the classified service who has completed the probationary period on the effective date of an ordinance changing such office or employment to the unclassified service, shall remain in the classified service until the expiration of their term or until an earlier vacancy occurs, or until the termination of their employment.

10. The classified service shall comprise all positions not specifically included by this section in the unclassified service.

Sec. 7.40 Retention of Present Civil Service Commissioners and Rules

The civil service commission of the City of St. Cloud as now established is hereby ratified and confirmed as the civil service board and shall continue under this Charter to function as heretofore as the civil service board, with all of the powers heretofore or hereafter granted by the laws of the State of Minnesota and the acts of the City commission and the City Council. Upon the expiration of the terms of the present members, or in case of vacancies upon said board, appointments of members of said board shall be by the majority vote of the Council. The Council may provide for a
Human Resources director and secretary, regulate their duties and provide for their compensation. The Council may remove any board member who in the judgment of the Council has willfully violated any of the provisions of Minnesota statutes governing firefighters' or police officers' civil service commissions or any of the provisions of this charter. No member of the Board shall at the time of appointment or while serving, hold any other office or employment under the City. Each member before entering upon the duties shall subscribe and file with the city clerk an oath for the faithful discharge of the duties. At the expiration of the term of the present members, the Council shall appoint each year thereafter one member of the Board whose term of office shall be for three years, and each member of the Board shall be president of the Board during the last year of the term for which the member is appointed. All vacancies in the Board must be filled by appointment by the Council within thirty days after the vacancy occurs. Each member of the Board shall serve without pay. The Council shall pay from the municipal treasury all expenses incurred by the Board in connection with the performance of its duties and shall furnish it with all supplies, stationery and equipment it may require, but all bills and accounts of the Board shall be audited and approved by the president and secretary of the Board before being paid by the Council. Members of the Board participating in an employee disciplinary or discharge hearing shall be paid $50.00 per diem until completion of their duties.

Sec. 7.50 Classification

The civil service board shall maintain an up-to-date record of the authority, duties and responsibilities of each position in the classified service and grading of all such positions according to similarity of authority, duties and responsibilities. The Mayor shall submit a classification plan to the Council with such recommendations as deemed desirable and such plan shall take effect when adopted by the Council or on the thirtieth day after it is submitted to the Council if prior thereto the Council has not disapproved it by resolution. Changes in the classification plan which the Board may deem desirable may be recommended and adopted from time to time in similar manner.

If new positions are created or additional classes are established or existing classes are divided, combined, altered or abolished, the Board shall make such allocations or reallocations of positions to new or existing classes as are necessitated thereby.

Following the adoption of the classification plan and the allocation to classes therein of positions in the classified service, the class titles set forth therein shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been approved as herein provided for the approval of the general plan.

Employees affected by the allocation or reallocation of a position to a class, or by any changes in the classification plan, shall be afforded a reasonable opportunity to be heard thereon before the Board after filing a written request with the secretary of the Board for such hearing.

Sec. 7.60 Rules, Board to Make

The civil service board shall make, amend, alter and change rules to promote efficiently in the
various departments and to carry out the purposes of this article. The rules shall provide, among other things, for:

A. Classification of all offices and employments of the City.

B. Public competitive examinations to test the relative fitness of applicants.

C. Public advertisement of the holding of examinations at least ten days in advance in a newspaper of general circulation of said City and posting such advertisement for ten days on a bulletin board in the City Hall.

D. The creation and maintenance of lists of eligible candidates after successive examinations in order of their standing in the examinations and without reference to the time of examination, which lists shall be embraced in an eligible register.

E. The commission may by rule provide for striking any name from the eligible register after it has been two years thereon.

F. The rejection of candidates or eligibles who, after the entry of their names shall fail to comply with the reasonable rules and requirements of the commission in respect to age, character, residence, physical condition or otherwise, or who have been guilty of criminal, infamous or disgraceful conduct, or of any willful misrepresentation, deception or fraud in connection with the examination or in connection with their applications for employment.

G. The certification of the three names standing highest on the appropriate list to fill any vacancy; provided that if there are only one or two names on such list, the certification of such name or names.

H. Temporary employment without examination with the consent in each case of the board, in case of emergency, but no such temporary employment shall continue more than ninety days nor shall successive temporary employments be permitted for the same position.

I. Promotion based on competitive examinations and upon the records of efficiency, character, conduct and seniority.

Suspension with or without pay for not longer than sixty days and for leave of absence with or without pay.

K. Removals, reduction in rank and reinstatement of employees.

L. Such other rules not inconsistent with the provisions of this article as may from time to time be found necessary to secure the purpose of this article.
A copy of all rules promulgated and adopted by the civil service board shall be kept posted in a conspicuous place in each department of the City government for the examination by all persons interested, and no rules of general application with reference to employment, promotion, disability or suspension shall be effective until so posted.

Sec. 7.61  Competition Suspended, When

In case of a vacancy in any office which required peculiar or exceptional qualifications of a scientific, professional or expert character, and upon satisfactory affidavits that competition is impracticable and that the office can best be filled by the selection of some designated person of recognized attainments, the civil service board may by majority vote, with the approval of a majority of all the members of the City Council, suspend competition but no such suspension shall be general in its application to such office.

Sec. 7.70  Schedule of Pay

The civil service board shall prepare for and submit to the Mayor, proposed standard schedule of pay for each position in the classified service. The Mayor shall submit the pay plan to the Council with such recommendations as deemed desirable and such schedule of pay shall take effect when adopted by the Council or on the thirtieth day after it is submitted if prior thereto the Council has not disapproved by resolution. Amendments to the pay schedule may be made and adopted by the Council from time to time but only after notification to the civil service board and the Mayor of the intention so to do. The Council shall not increase or decrease any individual salary item, but shall act solely with respect to classes of positions as established and in no event shall the Council reduce the salary of a class below the maximum salary established by the pay plan except by amendment of said plan.

Sec. 7.80  Appointments by Mayor Restricted

All appointments of employees in the City classified service, except as by this charter otherwise provided, shall be made by the Mayor, but the selection of employees shall be limited to persons certified by the civil service board. No reductions in rank or removals shall be made except in accordance with rules of the civil service board.

Sec. 7.90  Prohibitions

No persons in the classified service of the City or seeking admission thereto shall be appointed, promoted, reduced, or in any way favored or discriminated against because of race, political opinions or affiliations, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made under the personnel provisions of this charter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. No persons seeking appointment to or promotion in the classified service of the City shall either directly or indirectly give, render or pay any money,
service, or other valuable thing to any person for or on account of or in connection with their test, appointment, proposed appointment, promotion or proposed promotion.

Any person who alone or with others willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor. Any person who is convicted under this section shall for a period of five years be ineligible for appointment to or employment in a position in the City service, and shall, if an officer or employee of the City, immediately forfeit the office or position held.

ARTICLE VIII Finance

Sec. 8.10 Control of Finances

The Council shall have full authority over the financial affairs of the City and shall levy an annual tax upon all taxable property in the city, according to law, for the support of the City government and the payment of its obligations, and shall provide for and make collection of all revenues from all sources. The Council shall provide for the auditing and settlement of City accounts and the safekeeping and disbursement of public moneys and shall in the exercise of sound discretion appropriate money by means of a budget for the governmental expenses and for the maintenance of its separate funds, as in this article provided.

Sec. 8.11 Fiscal Year

The fiscal year of the City shall end each year on the 31st day of December.

Sec. 8.12 Local Taxation

Subject to the State Constitution and except as forbidden by it or by laws of the State, the Council shall have full power to provide by ordinance and resolution for a system of local taxation, and to change and amend the same as the city's needs may require.

Sec. 8.13 Board of Equalization

The Council shall constitute a Board of Equalization and shall meet as such board in the Council's usual meeting place on the last Monday in July to equalize assessments according to law.

Sec. 8.20 Annual Budget

The Mayor shall prepare and submit to the Council at its regular meeting in August of each year the estimates for the annual budget. Such estimates of expenditures shall be arranged for each department or division of the City as may by direction of the Council be required. All increases and decreases of amounts shown on the previous year's budget shall be clearly shown.

In parallel columns shall be shown the amounts granted and the amounts expended under similar
headings for the past two fiscal years, and so far as possible for the current year. In addition to the
estimates of expenditures the estimates shall include a statement of the revenues which have
accrued for the past two completed fiscal years with the amounts collected and the uncollected
balances, together with the same information so far as possible for the current fiscal year, and an
estimate of revenue of the ensuing fiscal year. Such estimates should be printed or typewritten and
as many copies thereof shall be submitted as may be required by the Council. Any interested
taxpayer may have access to said estimates after the same have been submitted. After the
submission of said estimates to the Council, the Council shall carefully consider the same and make
such changes as appear to be in the best interests of the City, and thereafter further proceedings
shall be had thereon in accordance with the provisions of Sec. 2.63 of this charter pertaining to
ordinances, but the final adoption of the budget shall be by resolution which shall be adopted not
later than December 31st of each year.

Said annual budget as finally adopted shall set forth in detail the complete financial project of the
City for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and
the sums to be spent and for what purposes, and shall indicate the fund for which said sums are to
be raised and from which said sums are to be disbursed. It shall not be necessary to include in the
budget estimates of revenues or expenses of the permanent improvement revolving fund, from the
sale of bonds or of any other fund not supported by taxes.

Sec. 8.21  Alteration

After the budget shall have been duly adopted the Council shall not have power to increase the
amounts therein fixed, whether by the insertion of new items or otherwise beyond the estimated
revenues, unless the actual receipts shall exceed such estimates, and in that event not beyond such
actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of
the fiscal year for the several purposes named therein and no other. The Council may at any time,
by a resolution passed by five-sevenths vote of all the members of the Council, reduce the sums
appropriated for any purpose, or authorize the transfer of sums from unexpended balances to other
purposes, except as in this charter otherwise provided.

Sec. 8.22  Enforcement

It shall be the duty of the Mayor to enforce strictly the provisions of the budget. The Mayor shall
not approve any order upon the director of finance for any expenditure from a fund included in the
budget unless there is a sufficient unexpended balance left after deducting the total past
expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of
the City shall place any orders or make any purchases except for the purposes and to the amounts
authorized in the budget. Any person violating the terms of this section shall be personally liable
for any amount in excess of the amount authorized.

Sec. 8.23  Emergency Appropriation in Budget

The Council shall have power to establish an emergency appropriation as a part of the budget, but
not to exceed ten percent of the total budget. Transfers from the emergency appropriation to any
other appropriation shall be made only by a unanimous vote of the Council. The sums transferred
to the several departments or divisions shall be considered as a part of such appropriations and shall
be used only for the purposes designated by the Council.

Sec. 8.30   Levv of Taxes

After the adoption of the annual budget, the Council shall by resolution levy the taxes necessary to
meet the requirements of the budget as adopted for the ensuing fiscal year. The Director of Finance
shall thereupon transmit to the county auditors of the counties in which the City of St. Cloud lies,
not later than the date that is required by Minnesota State Statutes, and the payment thereof be
enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any
informality in the manner of levying the same nor because the amount levied shall exceed the
amount required to be raised for the special purposes for which the same is levied, but in that case
the surplus shall go into the fund to which such tax belongs.

Sec. 8.31   Tax Settlement

It shall be the duty of the director of finance to collect from the treasurers of the separate counties
all monies collected by and in possession of said treasurers belonging to the City and said collection
thereof by the director of finance and the payment thereof by the several county treasurers of said
counties shall be made at the times provided by law.

Sec. 8.40   Funds of the City

There shall be maintained in the City treasury the following funds for the support and maintenance
of which the Council shall, unless otherwise provided appropriate and annually levy taxes in
sufficient amount to accomplish their purposes:

A. Such funds as are required by statute.

B. A general fund for the payment to all general government expenses and obligations
   of the City as the Council may deem proper and as are authorized by law. Into this
   fund shall be paid all monies not otherwise provided herein, or by statute or by
   ordinance to be paid into any other fund.

C. A permanent improvement fund to pay for local improvements properly chargeable
   and charged against the City, the payment of which is not otherwise provided for.
   Receipts from the sale of City property not otherwise disposed of shall be deposited
   in this fund.

D. A public utility fund or funds into which shall be paid all money derived from the
   sale of bonds issued on account of any municipally owned utility or enterprise and
   all money derived from the sale of utility or other public enterprise services and
   from the sale of any property acquired for or used in connection with any such utility
   or enterprise. There shall be paid out of this fund the cost of the purchase,
construction, operation, maintenance and repair of such utility or enterprise, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate funds or accounts shall be kept for all utilities or public service enterprises which are operated separately.

E. A development fund into which there shall be deposited annually an amount equal to twenty-five percent of all monies received from the sale of licenses, issuances of all permits and income from parking meters in the city during the said period, together with such additional amount as the Council may provide by a tax levy; except that the Council may, by ordinance, pledge all or any part of the income derived from parking meters to the payment of bonded indebtedness incurred to develop the City parking system. No expenditure from the development fund shall be made without the approval of the planning commission and no transfer from said fund shall be made except to one or more bond sinking funds of the City and then only with the approval of the planning commission. Expenditures from the development fund shall be made only for such purposes as will advance the master plan for the physical development of the city.

Sec. 8.41 Additional Funds

The Council is authorized to establish and to appropriate money and levy taxes for the maintenance of such other and additional funds as from time to time it seems necessary for the proper carrying on the City's business.

Sec. 8.42 Present Monies Apportioned

Upon the adoption of this charter all monies in the City treasury and monies to be collected from taxes heretofore levied shall be apportioned among the several funds hereby established so far as possible, and if such division is not practicable said monies shall then be paid into the general fund.

Sec. 8.43 Contingent Fund

The Council shall each year, by resolution, appropriate a sum for contingent expenses incurred or to be incurred by the Mayor and the Council for the benefit of the city and its people. Said contingent fund is to be a part of the general fund and disbursements therefrom shall be made as provided for other disbursements; provided that in any year when a city general election is held the disbursements therefrom prior to the beginning of new terms of office commencing that year shall not exceed one-third of the amount appropriated for that year.

Sec. 8.50 Receipts and Accounts

All receipts of money belonging to the City or any branch thereof, excepting only those funds collected by the county treasurers, shall be paid into the City treasury by the person authorized to receive the same at the close of each business day. All such monies and also all monies received upon tax settlements from the county treasurers shall be deposited as soon as received or within a
reasonable time in a bank or banks approved by the City Council. The Mayor shall be the chief accounting officer of the City and of every branch thereof, and shall in accordance with the provision of Sec. 3.20 and Sec. 3.50 provide for the duties of the city clerk and director of finance and the methods and procedures of said offices. The Mayor shall submit to the Council a statement quarterly showing the amount of money in the custody of the director of finance, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the City as the Council may require. A council member may request these reports on a monthly basis. Once each year, on or before the last day of May, the Mayor shall submit a report to the Council covering the entire financial operations of the City for the past year. This report shall contain a full and complete report of all receipts and expenditures and a complete statement of the financial standing of the City and such other information as might be required by the Council.

Sec. 8.51   Comprehensive Audit

The Council shall annually cause a comprehensive audit of the books and accounts of the City to be made, and shall cause a summary of the report of said examination to be published in the official newspaper. The audit will be made by a certified public accountant.

Sec. 8.60   Tax Anticipation Certificates

For the purpose of providing necessary monies to meet authorized expenditures after the annual tax levy has been certified to the county auditor, and prior to the collection of taxes payable in the current year, the Council may after January 1st of any fiscal year, issue certificates of indebtedness to be repaid out of such taxes on such terms and conditions as it may determine.

Sec. 8.61   Emergency Debt Certificates

If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures which may not have been budgeted or anticipated, then the Council may authorize the sale by the director of finance of emergency debt certificates at a rate, terms and conditions consistent with Minnesota State Statutes Sections 475.55, 475.754 and any other applicable section of Minnesota State Statutes. A tax sufficient to redeem all such certificates at maturity shall be levied each year. The issuance of such certificates shall be authorized by an ordinance passed by five-sevenths of all the members of the Council and such ordinance may if deemed necessary be passed as an emergency ordinance.

Sec. 8.62   Purchases and Contracts

The Mayor shall be the chief purchasing agent of the City. The purchasing agent, subject to the provisions of this charter and the Minnesota Uniform Municipal Contracting Law, and pursuant to rules and regulations established by ordinance, shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the City government. The Mayor shall establish and enforce specifications, inspect or supervise the
inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials and equipment purchased for or belonging to the City.

The approval of the Council must be given in advance for purchases or contracts exceeding $30,000.00, except for any purchase or contract previously approved as part of the annual budget.

All contracts exceeding $30,000.00, all bonds and other instruments of every kind to which the City shall be a party shall be executed in the name of the City and signed by the Mayor and the city clerk on behalf of the City. Contracts of every kind to which the City shall be a party valued at $30,000.00 or less shall be executed in the name of the City and signed by the Mayor, or the Mayor's designee, and the city clerk on behalf of the City.

The City Council may, in its discretion, and with the recommendation of the Mayor, direct any work or construction or any part thereof to be done by day labor or by any department of the City government under direction of the Mayor.

Sec. 8.70 Payment from Treasury

No money shall be paid out of the City treasury except upon order duly signed by the department head or director and the director of finance. All claims against the City, except claims for payments or judgments, salaries and wages previously fixed by the Council or by statute, principal and interest on obligations, rent and other fixed charges, the exact amount of which has been previously determined by contract authorized by the Council, shall be itemized and verified by the claimant, approved by the department head or director, or his/her designee, and approved by the director of finance, or his/her designee. Upon allowance of such itemized, verified and approved claim where required, the officer designated by the administrative code shall draw an order upon the director of finance, which order when properly signed by the Mayor, and the director of finance, shall be authority to the director of finance to issue a check upon the proper fund of the City. The Council shall make such further rules and regulations as to payments from the treasury as it may deem necessary.

Sec. 8.80 Investment of Surplus Funds

The director of finance, subject to investment policies adopted by the City Council and subject to mandatory, periodic review procedures to be established by the Council, may invest the surplus of any fund in any securities in which funds of the State of Minnesota may be invested, and in obligations of the City of St. Cloud.

ARTICLE IX Bonds

Sec. 9.10 Power to Issue, Limitations

The bonds of the City of St. Cloud may be issued as in this article provided:

In addition to all the powers in respect to borrowing, and with reference to the issuance of bonds
and certificates of indebtedness specifically or impliedly granted by this charter and any amendments thereto, the City of St. Cloud shall have all the powers in reference to these matters granted and authorized for cities of its class by the statutes of the State of Minnesota as now in effect and as may be hereafter amended or supplemented. The City shall have the power to issue and sell its bonds to the State of Minnesota or to private purchasers according to the laws of the State or the provisions of this charter.

No bonds shall ever be issued to pay current expenses or to refund certificates of indebtedness issued to provide for temporary deficiency in the revenues to cover current expenses. The total net debt of said City shall not exceed the net debt limit established by law for cities of its class.

The City Council may issue the bonds of said City by a majority vote without submitting the issue thereof to a vote of the voters, for the purpose of paying, taking up and refunding outstanding bonds of said City and for the purpose of paying judgments lawfully rendered against said City, as to which the time of appeal has expired.

No bonds of the City of St. Cloud shall be issued for any purpose where state law requires that the question of the issuance of such bonds shall be submitted to an election without the approval first obtained of a majority of the voters of said City voting on the question at a special election called for that purpose, or at a general municipal election in the notice of which special or general municipal election the proposed issue shall have been plainly submitted for approval or rejection.

Sec. 9.20 Proceeds

After the sale of said bonds according to law and the payment therefor to the director of finance of said City of the amount for which said bonds are sold, the bonds shall be executed and delivered to the purchaser thereof and the director of finance shall receive and hold the proceeds thereof as a separate fund for the purposes for which said bonds were issued.

ARTICLE X Improvements and Special Assessments

Sec. 10.10 General Powers and Procedure

The City of St. Cloud shall have the power to make any and every type of public improvement not forbidden by the laws of this State, and to levy special assessments for all such improvements as are of a local character, such special assessments to be levied against each lot or other unit of property separately as the same may be platted or subdivided. The amounts assessed to benefitted property to pay for local improvement may equal the cost of the improvement with interest until paid, but shall in no case exceed the value of the benefit received by such property. No levy of special assessments shall be deemed invalid by reason of the fact that the total amount of special assessments shall exceed the actual cost of the improvement. But in case there shall be any excess of assessments over actual cost, the City Council shall have the power and it shall be its duty to provide for a pro rata return or remission of such excess assessments to the persons who are by law entitled thereto.
Sec. 10.11 Procedure

All improvements to be paid for by special assessment against the benefited property shall be instituted by either of the following methods, to-wit:

A. Upon the written request of not less than twenty-five per cent in number and interest (the term interest shall mean footage of abutting property except when otherwise defined by resolution adopted by the City Council) of the affected resident property owners. The City Council, as it deems such public improvement advisable, shall direct the Mayor to have prepared an estimate of the cost of the proposed improvements and also a petition in proper form containing such estimate which shall be set forth both in unit prices and in total thereof. Such petition so prepared shall be used for circulation among the affected resident property owners and when signed by a majority in number and interest of such resident owners may be presented to the City Council as a petition for such improvement. Thereupon it shall be the duty of the City Council to proceed within a reasonable time to make such improvements, provided however, that no contract therefor shall be let in the event the contract price exceeds the estimated cost made by the Mayor as herein before prescribed. The City Council shall have authority to proceed with the proposed improvement at any time within two years from the date of filing of the majority petition under this method. A new petition following the procedure herein prescribed may be filed at any time.

B. By resolution adopted by affirmative vote of the majority of the Council any public improvement other than repair or replacement may be declared advisable and to be paid for by special assessment. Such resolution shall state the nature and scope of such public improvement. Upon adoption of such resolution which shall direct the Mayor to have prepared an estimate of the cost thereof, the Mayor shall have prepared such an estimate which shall be set forth both in unit price and in total thereof. Upon receipt of such estimate the Council shall by resolution set a date for a public hearing on the proposed improvement, setting forth therein the time, place and purpose of such hearing. Such resolution shall be published in the official newspaper of the city at least one week prior to the date of said hearing, and in addition thereto a copy of such resolution shall be mailed to each affected resident property owner at his or her last known city address at least one week prior to the date of said hearing. At such hearing the City Council shall receive any written petitions and hear any petitioners for or against the proposed improvement.

Sec. 10.12 Reference to Planning Commission

Any improvement which may be authorized and directed to be constructed under the provisions of this Article, which may fall within the provision of Article VI hereof pertaining to the powers and duties of the City planning commission, shall be referred by the City Council to said commission and shall be authorized only in accordance with the procedure set forth in said Article VI hereof.
Sec. 10.20  Limitations on Council

If the proposed improvement is in the nature of streets, alleys, sidewalks, curbs, gutters or other improvements of a public way, the Council may not proceed with such improvement if seventy-five percent or more in number and interest of the affected property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to the said improvement and giving their proper street addresses and description of their property to be affected by the improvement.

If the proposed improvement is in the nature of a sanitary sewer or facilities connected to or a part of the municipal sewerage system, the Council may proceed with the improvement and levy assessments therefor, except that the Council may not proceed with such improvement if ninety percent or more in number and interest of the affected resident property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to said improvement and giving their proper street addresses and description of their property to be affected by the improvement.

If the proposed improvement is of any nature other than the above, the Council may proceed with the improvement and levy assessments therefor, except that the Council may not proceed with such improvement if fifty-one percent or more in number and interest of the affected resident property owners oppose the improvement as shown by their signatures on a petition setting forth their opposition to said improvement and giving their proper street addresses and description of their property to be affected by the improvement.

The City Council shall have authority to proceed with the proposed improvement within two years after the date of public hearing under this method, and assessment shall be made against the described property regardless of the ownership, except that after one year from the set date of hearing upon written petition of at least fifty-one percent of the affected resident property owners in number and interest the Council shall set a second hearing as before to redetermine the percent of the then affected resident property owners who opposed the proposed improvement.

Sec. 10.21  Repairs and Replacements

The City Council by five-sevenths vote of its members may initiate proceedings for the repair or replacement with suitable materials of special assessment improvements. Such proceedings may be initiated by adoption of a resolution describing the repair or replacement contemplated, and the necessity therefor, and setting forth in said resolution the time and place of a hearing to be held before the Council on such proposed repair or replacement. Notice of the time, place and purpose of said hearing shall be published once in the official newspaper of the city at least one week prior to said hearing. In addition, a copy of such notice shall be mailed at least one week prior to said hearing to each affected resident property owner at his or her last known city address. Prior to said hearing the Mayor shall have prepared an estimate of the cost of the proposed repair or replacement, both in unit price and in total thereof. At said hearing the Council shall hear all interested parties and if, after such hearing the Council shall so decide by a five-sevenths affirmative vote of the members thereof, it may proceed with such repair or replacement, provided, however, that no
contract therefor shall be let in the event the contract price exceeds the estimated cost submitted by the Mayor as herein before prescribed. In the event the cost of any such repair or replacement shall not exceed twenty-five dollars on any one parcel or property, the City Council may, without hearing, by five-sevenths affirmative vote of its members order such repair or replacement made after giving ten days written notice to the owner of such property at his or her last known city address.

Special assessments to cover the cost of any such repair or replacement shall be levied as herein above provided for.

Sec. 10.22 Regulations to be Adopted

After this amendment takes effect local improvements shall continue for the time being to be made as far as possible according to the amendment provisions and laws previously applicable thereto, and the Council is hereby authorized to adopt and to put into effect in the City of St. Cloud any general law of the state applicable to local improvements of any type and levying of assessments thereof, provided that the same does not violate the provisions of this amendment. As soon as possible, however, the Council shall prepare and adopt a complete ordinance covering every type of public improvement, and when this ordinance takes effect it shall, subject to the provisions of Article X of this amendment, supplant other provisions of law or of the previous City charter upon the same subject. It may be amended from time to time as other ordinances. It shall classify public improvements into three groups as follows: (1) those which shall be constructed or provided entirely from the general revenue of the City; (2) those which shall be constructed or provided partly from general revenues and partly from special assessments; and (3) those which shall be constructed or provided entirely by special assessments. The second class may be further subdivided. The ordinance shall provide a complete working code covering the determination of assessments and assessment districts, public hearings, appeals from and collection of assessments along with other taxes or otherwise, penalties for delinquency in making payments, financing and issuance of warrants for the collection of said assessments, the certifying of unpaid assessments for collection by the proper county officer. Said ordinance may also provide for installment payments and notices to be given thereof, appellate procedure, reassessment if necessary and all other matters appropriate to the subject of local improvements and assessments. After the passage of such ordinance or resolution providing for public improvements and all procedures in compliance therewith shall conform to the regulations as set forth in such ordinances and as otherwise contained in this amendment.

Sec. 10.23 State Law to Govern

Except as provided by this amendment or otherwise authorized or provided by ordinance or resolution of the City Council, the laws of the State of Minnesota pertaining to and governing public improvements in cities of the class of the City of St. Cloud shall be allowed.

ARTICLE XI Acquisition of Property
Sec. 11.10  Power to Acquire Property

The City of St. Cloud is hereby empowered to acquire by purchase, gift, devise, or condemnation any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by said City for any public use or purpose. In addition to the power to acquire property for other public purposes, the City may, when authorized by two-thirds of the voters voting on the question, also acquire, as herein provided, at the end of any five year period from granting of a franchise, any gas, water, heat, power, light, telephone or other plant, or other public utility, but no proceeding to acquire any such public utility shall be consummated unless the City has the money in its treasury to pay for the same or has by vote of the people made provision for paying for the property proposed to be acquired. Easements for slopes, fill, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat, and power and for other public purposes, may be acquired by gift, device, purchase or condemnation in the manner provided by law.

Sec. 11.11  Proceedings in Taking Property

The necessity for taking of any property by the City shall be determined by the Council and shall be declared by a resolution which shall describe such property as nearly as may be and state the use to which it is to be devoted. The acquisition of such property may be accomplished by proceedings at law, as in taking land for public use by right of eminent domain according to the laws of the State of Minnesota, except as otherwise provided in this amendment.

Sec. 11.12  Payment of Award

Whenever an award of damages shall be confirmed in any proceeding for the taking of property under this Article, or whenever the court shall render final judgment in any appeal from any such award, and the time for abandoning such proceedings by the City shall have been expired, the City shall be bound to, and shall, within sixty days of such final determination, pay the amount of the award with interest thereon at the rate of six percent per annum from the date of the confirmation 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.

Sec. 11.13  City May Abandon Proceedings

The City may, by resolution of the Council at any stage of the condemnation proceedings, or at any time within thirty days after any commissioners appointed by the court hereunder shall have filed their report with the clerk of court, or in case of an appeal to the district or supreme court, at any time within thirty days after the final determination thereof, abandon such proceedings as to all or any parcel of the property sought to be acquired and shall pay all costs thereof.

Sec. 11.20  City May Take Entire Plant

In case the City shall condemn a public utility which is operated at the time of the commencement of condemnation proceedings as one property or one system, it shall not be necessary in such
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 and rights which enter into and go to make up such system may, unless otherwise ordered by the court, be treated together as constituting one property and an award for the whole property in one lump sum may be made by the commissions on condemnation or other body assessing the damages. But this shall not prevent the City, in cases where the plant and property is separable into distinct parts, from taking only such part or parts thereof as may be necessary in the public interests.

ARTICLE XII Franchises

Sec. 12.10 Franchises Defined

The word "Franchise" as used in this article shall be construed to mean any special privilege granted to any person, co-partnership or corporation, in, over, upon or under any of the highways or public places of the City, whether such privilege has heretofore been granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.

Sec. 12.20 Franchise Ordinances

The Council may grant franchises by ordinance adopted by a majority vote, subject to the referendum powers contained in this charter.

Said franchise ordinance shall be introduced in the Council as other ordinances are introduced and the Council shall follow the provisions of Sec. 2.63 hereof as to notice, hearings and passage. Any franchise rights shall always be subject to the superior rights of the public to the use of streets and public places, and said franchise shall be without validity whatever until it has been accepted by the grantee as adopted.

The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

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

Sec. 12.30 Term of Franchises Limited

No perpetual franchise shall ever be granted, nor shall any franchise be granted for longer than a twenty-five year term.

Sec. 12.40 Power to Regulate and Control

The City shall have the right and power to regulate and control the exercise by any corporation, co-partnership or person of any franchise, however acquired and whether such franchise has been
heretofore granted by it or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota.

Sec. 12.50  Regulation of Rates and Charges

All corporations, co-partnerships, and persons exercising franchises in the City shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will with efficient management normally yield, above all operating expenses and depreciation, a fair return upon all money honestly and efficiently invested in the plant and equipment used by the company in furnishing service within the City. This shall not be construed as a guarantee of a return and in no case shall there be any return upon franchise value. Within these limits, the determination of a maximum price or rate to be charged by any company for service rendered to the City or to any person or persons within the City shall be made, if possible, by direct negotiations between the company and the Council at public hearings. In case of failure to reach an agreement by this method, the Council shall, not less than thirty days before the expiration of any existing rate schedule or agreement, appoint the City Mayor or some other expert as its representative; the company shall appoint a representative; and these two shall by mutual agreement select a third person, preferably an expert in valuation and rate-making, who shall together constitute a board of arbitration. This board shall report its findings as soon as possible and the rate, which it shall agree upon by a majority vote shall be the legal rate, subject to revision by any court of competent jurisdiction. Schedules of rates thus fixed shall be as flexible as may be, and shall in no case fix a definite rate for a period of more than five years. The City and the company may by mutual agreement, revise existing schedules of rates at any time, proceeding in each case as provided for the original filing of the rates.

Sec. 12.60  Conditions in Every Franchise

Every franchise shall contain the following provisions:

A. That the grantee shall be subject to and will perform on its part all the terms of this article, as well as all other pertinent provisions of this amendment.

B. That the grantee shall in no case claim or pretend to exercise any power to fix fares, rates, and charges; but that such fares, rates, and charges shall at all times be just, fair and reasonable for the services rendered, and shall in all cases be fixed and from time to time changed in the manner provided in Sec. 12.50 of this amendment.

C. That the Council shall have the right to require reasonable extensions of any public service system from time to time, and to make such rules and regulations as may be required to secure adequate and proper service and to provide sufficient accommodations for the public.

D. That the grantee shall not issue any capital stock on account of the franchise or the value thereof, and that the grantee shall have no right to receive, upon condemnation proceedings brought by the City to acquire the public utility exercising such
franchise, any return on account of the franchise or its value.

E. That no sale or lease of said franchise shall be effective until the assignee or lessee shall have filed in the office of the city clerk an instrument, duly executed, reciting the fact of such sale or lease, accepting the terms of the franchise, and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee shall also file a bond in such amount and with such conditions as the Council may require, which bond shall run to the City as obligee, with sureties satisfactory to the Council, and shall obligate the assignee or lessee to discharge all obligations and liabilities imposed by said franchise.

F. That every grant in said franchise contained or permission for the erection of poles, masts, or other fixtures in the streets and for the attachment of wires thereto, or for the laying of tracks in, or for pipes or conduits under the streets or public places, or for the placing in the streets or other public places of any permanent or semi-permanent fixtures whatsoever, shall be subject to the conditions that the Council shall have the power to require such alterations therein, or relocation or rerouting thereof, as the Council may at any time deem necessary for the safety, health or convenience of the public, and particularly that it shall have the power to require the removal of poles, masts and other fixtures bearing wires and the placing underground of all wires for whatsoever purpose used.

G. Every franchise and every extension or renewal of such franchise, shall contain a provision for its acceptance in writing by the grantee within thirty days after its adoption and passage. No such franchise shall be binding upon the City until its acceptance by the grantee. Such acceptance shall be construed to be an acceptance of and consent to all the terms, conditions, and limitations contained in the ordinance granting the franchise as well as of the provisions of this amendment.

The violations by the holder of any franchise of any of the express provisions prescribed by this section shall be a sufficient cause for the forfeiture of the franchise by a resolution of the Council, if not corrected within a reasonable time after notice thereof from the City.

Within ninety days after the close of the fiscal year of the person or corporation exercising any franchise, such person or corporation shall file annually in the office of the city clerk a statement of the earnings and expenditures of such business. Such statement shall include whatever information may be required by the City Council. Said statement shall be open to public inspection.

Sec. 12.70 Further Provisions of Franchises

The enumeration and specification of particular matters which must be included in every franchise or renewal or extension thereof, shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this amendment limit any right or power possessed by the City over existing franchises.
ARTICLE XIII  Public Ownership and Operation of Utilities

Sec. 13.10  Acquisition and Operation of Utilities

The City shall have the power to acquire public utilities as provided in Article XI of this amendment. The operation of all public utilities owned by the City shall be under supervision of the Mayor.

Sec. 13.20  Rates and Finances

Upon the recommendations made by the Mayor or upon its own motion the Council shall have the power to fix all rates and charges for water, light, heat, and all other utilities provided by plants owned by the City, but such rates and charges shall be just and reasonable. In like manner the Council may prescribe the time and manner in which payments for all such services shall be made, and the manner in which water and electric current shall be computed or measured, whether by meter or flat rate, and make such other regulations as may be necessary, establish liens for non-payment and may prescribe penalties for violations of such regulations.

Sec. 13.30  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.

Sec. 13.40  City to Pay for Services

The Council shall make a reasonable charge, based on the cost of service, for lighting the street and public buildings, or supplying heat, power or any other utility, and a reasonable hydrant rental and other charges for supplying the City with water, and shall credit the same to the publicly owned utility supplying service. Such rentals and other charges for light, heat, power, water and other services, shall be collected in the same manner as from other consumers unless the Council provides some other plan.

Sec. 13.50  Lease of Plant

The Council may, if the public interests will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance approved by five-sevenths of all the members of the Council and subject to popular referendum. In no case shall such contract be for a longer term than ten years. The contractor shall be subject as far as possible to the rules as to rates and service and as to Council control laid down for the holders of franchises in Article XII of this amendment.

Sec. 13.60  Public Utility: How Sold
No public utility owned by the City, whether acquired prior to the adoption of this amendment or thereafter, shall be sold or otherwise disposed of by the City unless the full terms of the proposition of said sale or other disposition thereof, together with the price to be paid therefor, shall have been embodied in an ordinance passed by a five-sevenths vote of all the members of the Council in the usual way, and submitted to the voters at a general or special election and approved by a majority vote of the voters voting thereon.

ARTICLE XIV  Miscellaneous and Transitory Provisions

Sec. 14.10    Official Publications

The Council shall annually designate a legal newspaper of general circulation in the City as the official paper, in which shall be published such measures and matters as are by this amendment and by the laws of this State required to be published, and such other matters as the Council may deem it wise to have published.

Sec. 14.20    Oath of Office

Every officer of the City shall, before entering upon the duties of their office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the constitution of the United States and of this State, and to discharge faithfully the duties devolving upon me as (Mayor, Council member, etc.) of this City to the best of my judgment and ability."

Sec. 14.30    City Officers Not to Accept Favors or Contracts

No officer or employee of the City shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement or alteration or repair required by authority of the City, or any contract to which the City shall be a party, except the lawful compensation or salary as such officer or employee, unless the Council has with full knowledge of the interest of an officer or employee in such contract, accepted and approved the same by unanimous vote of all members of the Council. No officer or employee of the City except as otherwise provided in this amendment, or by law, shall solicit, accept, or receive, directly or indirectly from any public utility corporation or the owner of any public utility or franchise, any pass, frank, free ticket, free service or any other favor, upon terms more favorable than those granted the public generally. A violation of any provision of this section shall disqualify the offender from continuing in office or in the employment of the City, and the offender shall be removed therefrom. Any contract with the City in which any officer or employee becomes directly or indirectly interested except as herein provided, personally or as a member of a firm, or as an officer or a director of a corporation shall be void; and any money which shall have been paid on such contract by the City may be recovered from any or all the persons interested therein by joint or several action.
Sec. 14.31  Interference with Administration

Neither the Council nor any of its members shall dictate or attempt to dictate the appointment of any person to office or employment by the Mayor or in any manner interfere with the Mayor or prevent the Mayor from exercising the Mayor's judgment in the appointment of officers or employees in the administrative service. Except for the purpose of inquiry the Council and its members shall deal with and control the administrative service solely through the Mayor, and neither the Council nor any member thereof shall give orders to any of the subordinates of the Mayor, either publicly or privately. Any violation of the provision of this section by a member of the Council shall be a misdemeanor conviction of which shall immediately forfeit the office of the member so convicted.

Sec. 14.40  Bonds of Officials and Employees

The Mayor, the director of finance, the city clerk and such other officers of the City as the Council may require to be bonded, shall each before entering upon the duties of their respective offices and employments given corporate surety bond to the City in such sum as may be fixed by the Council as additional security for the faithful performance of their respective official duties and the safekeeping of the public funds. Such bonds shall be approved by the City Council and shall be endorsed by at least three members of the Council as having been so approved. They shall be filed with the secretary of the Council. The provisions of the laws of the State relating to official bonds not inconsistent with this amendment shall be complied with. The City shall pay the bond premium on bonds of all its officers and employees required to be bonded.

Sec. 14.50  Sales of Real Property

No real property of the City shall be disposed of except by resolution after submission as provided in Sec. 6.40 hereof. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction or improvement of this or other property used for the same public purpose; but if there be no such outstanding indebtedness, then the Council may by ordinance adopted by a five-sevenths vote designate some other public use for such proceeds.

Sec. 14.60  Vacation of Streets

The City Council shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within the City. No street or alley within the City shall be discontinued except by ordinance in accordance with the provisions of Sec. 6.40 hereof. A record of such vacation shall be made in the office of the Register of Deeds of the county in which said real property is located. No such ordinance shall be an emergency ordinance.

Sec. 14.70  City to Succeed to Rights and Obligations

The City shall succeed to all the property, rights and privileges and shall be subject to all the legal obligations of the City of St. Cloud that were in existence prior to this amendment.
Sec. 14.80  Present Officers to Hold Office

The present commissioners of the City shall make provisions for the election of the Mayor and Council, as provided by Article IV of this amendment, and said commissioners shall continue in their respective offices and functions and shall continue to govern the City according to the amendment and laws in effect in the City at the time of the adoption of this proposed amendment until the newly elected officers under this amendment qualify and take office. All other officers and employees shall continue in their respective offices and functions in the employ of the City, subject to the administrative powers of this amendment.

Sec. 14.81  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 St. Cloud operating under home rule charters, and not inconsistent with the provisions of this amendment, shall apply to the City of St. Cloud, and shall be construed as supplementary to the provisions of this amendment.

Sec. 14.82  Existing Ordinances Continued

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

Sec. 14.83  Pending Condemnations and Amendments

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

Sec. 14.84  Ordinances to Make Charter Effective

The Council is hereby empowered to, and it shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this amended amendment.

Sec. 14.85  Civil Penalties

Subdivision 1. The council can establish a procedure by ordinance to impose civil penalties for each violation of a city ordinance. This procedure must provide an opportunity for the accused to be heard by a neutral party, which can be the council.

Subdivision 2. The council can provide by ordinance that civil penalties the city imposes as a result of property-related violations be assessed against property which was the subject matter, or related
to the subject matter, of the penalties, or property which was the location of an activity, proposed
use, delivery of city service or other circumstances which resulted in the penalties. The ordinance
must provide that the city first attempt to obtain voluntary payment of the penalties. The ordinance
must also require the city to give notice and opportunity to be heard to the property owner listed on
the official tax records before the assessments are imposed. The assessments must be collected like
special assessments.
CERTIFICATION  

I, Seth Kauffman, City Clerk of the City of St. Cloud, Minnesota, do hereby certify that the hereto attached document is a true and correct copy of the Home Rule Charter of the City of St. Cloud, Minnesota, with all amendments through the period ending July 10, 2017.

8-21-17
Date

Seth Kauffman, City Clerk
City of St. Cloud

8/23/2017
Date

Chairperson
The following is a brief chronological history of the St. Cloud Home Rule Charter and amendments thereto:

April 6, 1908  Home Rule Charter adopted by voters.


February 25, 1920  Amendments to Chapter 2, Sections 5, 24, and 28; Chapter 5, Section 62 adopted by voters.

October 28, 1925  Amendments to Chapter 1, Section 3 adopted by voters.


April 16, 1956  Amendment to Section 2.68 adopted by voters.


September 13, 1971  Ordinance 685 approved by City Council. Amended Sections 2.10, 2.60, 4.10, and 4.15.

June 5, 1972  Ordinance 713 approved by City Council. Amended Section 2.20.

November 19, 1973  Ordinances 778 and 779 approved by City Council. Amended Sections 3.10 and 7.30 respectively.

April 1, 1974  Ordinance 789 approved by City Council. Increased City Council salary in accordance with M.S. 415.11.

April 8, 1974  Ordinance 790 approved by City Council. Set Mayor's salary per Sec. 3.10.

October 22, 1979  Ordinance 978 approved by City Council. Amended Ordinance 789 by increasing City Council salary.

November 5, 1979  Ordinance 982 approved by City Council. Amended Ordinance 790 by increasing Mayor's salary.

April 19, 1982  Amendment to Section 8.51 adopted by voters.
November 2, 1982  Amendments to Sections 2.10, 2.30, 3.10, 4.10 and 4.15 adopted by voters.

April 2, 1984  Ordinances 1171, 1172, 1173, 1174, 1175 and 1176 approved by City Council. Amended Sections 2.63, 2.65, 5.41, 8.40, 8.70 and 8.80 respectively.

October 21, 1985  Ordinances 1238, 1239, 1240, and 1241 approved by City Council. Amended Sections 3.20, 3.40, 3.50 and 8.62 respectively.

April 21, 1986  Section 2.62 amended by referendum.


March 12, 1990  Ordinance 1437 approved by City Council. Defines residence and expands the definition of qualification of the Mayor by amending Sections 2.10, 2.11 and 3.10.

June 11, 1990  Ordinance 1453 approved by City Council. Provides for transmittal of city tax levy to county on annual basis by amending Section 8.30.

June 11, 1990  Ordinance 1454 approved by City Council. Provides for issuance of Emergency Debt Certificates consistent with Minnesota State Statutes Sections 475.55 and 475.54 by amending Section 8.61.

May 13, 1991  Ordinance 1519 approved by City Council. Provides for an acting Mayor during the continuous absence or disability of the Mayor by amending Section 3.30.

May 11, 1992  Ordinance 1564 approved by City Council. Defines registered voters and clarifies initiative, referendum and recall petitions by adding Section 5.12, and amending Article V.

February 1, 1993  Ordinance 1594 approved by City Council. Allows City Council minutes to be televised in lieu of publication and a summary of the meeting to be published, by amending Section 2.6. Also allows the City Clerk to publish a summary of each ordinance adopted, by amending Section 2.66.
March 21, 1994
Ordinance 1659 amends Sections 7.40 and 7.90 to allow Charter Commission members to hold other public offices while serving as a commission member and to protect persons in classified service from discrimination based on color, creed, religion, national origin, sex, marital status, public assistance, disability, and sexual orientation.

May 15, 1995
Ordinance 1697 amends Sections 1.40, 2.10, 2.11, 2.64, 2.66, 6.10, and 6.20 regarding wards, membership, emergency ordinances, organization and terms of office necessitated by the proposed merger between the Town of St. Cloud and City of St. Cloud.

June 12, 1995
Ordinance 1700 amends Article 5 to retain the integrity of the initiative, referendum and recall as an extraordinary but legitimate citizen action in a strong mayor-council form of government. Amendment clarifies procedures for proposing measures under the Initiative, Referendum and Recall process.

October 30, 1995
Ordinance 1731 amends Article I, entitled name and boundaries, form of government and powers of City at Section 1.40 relating to wards and by adding a new Section 1.40A relating to a four ward division; also amending Article II, entitled "The Council" at Section 2.10 relating to members, qualifications and terms; adding a new Section 2.10A relating to members, qualifications and terms under a four ward division; adding a new Section 2.10B relating to an election; Section 2.11 relating to resident members; adding a new Section 2.11A relating to resident members under a four ward division; Section 2.64 relating to emergency ordinances, and Section 2.66 relating to the signing and publication of ordinances; also amending Article VI, entitled "Planning Commission" at Section 6.10 relating to organization and Section 6.20 relating to term of office. All Articles and Sections being part of the Home Rule Charter of the City of St. Cloud, Minnesota.

June 10, 1996
Ordinance 1768 amends Article VII, Section 7.40 to provide $50.00 per diem for Civil Service Board members participating in an employee disciplinary or discharge hearing.

April 30, 1997
Amends Home Rule Charter to conform odd year election dates prescribed by State guidelines for even year election dates and to change the words "qualified elector" to "registered voter" and "elector" to "voter."
June 09, 1997  Amends Home Rule Charter to increase the purchase or contract amount which could be approved by the Mayor and City Clerk from $2,500.00 to $6,000.00 without the advanced approval of the City Council.

March 16, 1998  Amends Home Rule Charter to require that the mayor sign all city contracts in excess of $6,000.00 and to allow the mayor or the mayor's designee to sign city contracts valued at $6,000.00 or less.

March 23, 1998  Amends Home Rule Charter to require an affirmative vote of the majority of the City Council to approve the Mayor's appointment of the City Administrator.

October 15, 2001  Ordinance 2051 amends Home Rule Charter relating to members of the City Council.

October 15, 2001  Ordinance 2052 amends Home Rule Charter relating to the beginning of regular terms for elected officials.

February 11, 2002  Ordinance 2064 amends Home Rule Charter by adopting state timelines for reapportionment of wards.

November 25, 2002  Ordinance 2100 amends Sections 2.20, 2.40, 3.10, 6.10, 6.20 and 14.85 to delete language that no longer serves a useful purpose.

March 24, 2003  Ordinance 2110 amends Section 1.40, entitled Wards, and 1.40A, entitled Four Ward Divisions; also adding new Section 1.41 entitled Corrections and Adjustments to Ward and Precinct Boundaries.

March 24, 2003  Ordinance 2111 amends Sections 2.10A, 2.10B and 2.11; also repeals Section 2.11A, relating to the qualifications and election of members.

August 12, 2004  Amends Sections 1.40, 2.10, 2.11, 2.30, 3.10, 4.10, 4.13, 4.15 and repeals Sections 1.40A, 2.10A and 2.10B, relating to dividing the City into four Wards based upon population and sets forth new qualifications and terms of City Council members.

August 15, 2005  Amends Sections 3.20, 8.20, 8.50, 8.51, 8.62 and 8.70 relating to the administration of the financial affairs of the City.

November 13, 2006  Amends Section 6.30 relating to the powers and duties of the Planning Commission.
November 13, 2006  Amends Section 8.70 relating to payments from the treasury.

November 13, 2006  Adds new Section 14.85 entitled Civil Penalties.

June 18, 2007  Amendment to provide for the reorganization of the City's administrative sections, departments and division.

March 17, 2008  Amendment to extend the transition period on elected council members to the first council meeting in January.

March 17, 2008  Amendment to eliminate the Mayor's signature requirement for the purpose of processing claims and making payments.

January 11, 2010  Amendment changing references to the city treasurer to director of finance; delete references to the number of wards in the City prior to 2007; delete reference as to the term of the Mayor elected in the year 2005.

May 24, 2010  Amendment to coordinate the City's election calendar with that of the State of Minnesota.

April 11, 2011  Amendment is first to reduce the required membership from 15 members to 9 members and second to eliminate obsolete and outdated language.

July 10, 2017  Amendment to increase the purchase or contract amount which may be approved by the Mayor and City Clerk from $6,000.00 to $30,000.00, without the advanced approval of the City Council, and requires that the Mayor sign all city contracts in excess of $30,000.00, and to allow the mayor or the mayor's designee to sign city contracts valued at $30,000.00 or less.