

CHARTER

**CITY OF CROOKSTON
MINNESOTA**

**A Revised Charter Adopted
November 2, 1999**

**Replacing Provisions of Charter
Adopted July 31, 1906,
As Amended November 7, 1961**

TABLE OF CONTENTS

CHAPTER 1: NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

Section 1.01, Name And Boundaries.....	1
Section 1.02, Powers Of The City	1

CHAPTER 2: FORM OF GOVERNMENT

Section 2.01, Form Of Government.....	1
Section 2.02, Boards And Commissions	1
Section 2.03, Council Composition And Elections	1
Section 2.04, Incompatible Offices.....	2
Section 2.05, Vacancies.....	2
Section 2.06, The Mayor	2
Section 2.07, Salaries, Wages, And Compensation	3
Section 2.08, Investigation Of City Affairs	3
Section 2.09, Interference With Administration.....	3

CHAPTER 3: COUNCIL MEETINGS

Section 3.01, Council Meetings.....	3
Section 3.02, Electronic Communications.....	3
Section 3.03, Secretary Of The Council	4
Section 3.04, Rules Of Procedure And Quorum.....	4
Section 3.05, Ordinances, Resolutions, And Motions	4
Section 3.06, Procedure On Ordinances	4
Section 3.07, Emergency Ordinances	4
Section 3.08, Procedure On Resolutions	4
Section 3.09, Signing And Publication Of Ordinances And Resolutions	5
Section 3.10, When Ordinances And Resolutions Take Effect	5
Section 3.11, Amendment And Repeal Of Ordinances And Resolutions.....	5
Section 3.12, Revision And Codification Of Ordinances	5

CHAPTER 4: NOMINATIONS AND ELECTIONS

Section 4.01, The Regular Municipal Election.....	5
Section 4.02, Special Elections.....	5
Section 4.03, Filing For Office	6
Section 4.04, Procedure At Elections	6
Section 4.05, Tie Votes.....	6

CHAPTER 5: ADMINISTRATION OF CITY AFFAIRS

Section 5.01, The City Administrator.....6
Section 5.02, Powers And Duties Of The City Administrator;
Subdivision 1 - 10..... 6-7
Section 5.03, Administrative Organization.....7
Section 5.04, Subordinate Officers.....8
Section 5.05, Purchase And Contracts.....8

CHAPTER 6: TAXATION AND FINANCES

Section 6.01, Council To Control Finances.....8
Section 6.02, Fiscal Year.....8
Section 6.03, System Of Taxation.....8
Section 6.04, Submission Of Budget.....8-9
Section 6.05, Capital Improvement Plan.....9
Section 6.06, Council Action On Budget.....9-10
Section 6.07, Enforcement Of The Budget.....10
Section 6.08, Alterations In The Budget.....10
Section 6.09, Funds.....10
Section 6.10, City Indebtedness.....10
Section 6.11, Anticipation Certificates.....11
Section 6.12, Emergency Debt Certificates.....11

CHAPTER 7: PUBLIC IMPROVEMENT AND SPECIAL ASSESSMENT

Section 7.01, Power To Make Improvements And Lay Assessments.....11
Section 7.02, Assessments For Services.....11
Section 7.03, Assessments For Unpaid Claims.....12
Section 7.04, Local Improvement Procedure.....12

CHAPTER 8: EMINENT DOMAIN

Section 8.01, Acquisition Of Property.....12

CHAPTER 9: FRANCHISES

Section 9.01, Franchise Required.....12
Section 9.02, Term.....12
Section 9.03, Public Hearing.....13
Section 9.04, Power Of Regulation Reserved.....13
Section 9.05, Renewals Or Extensions.....13
Section 9.06, City May Offer Service.....13

CHAPTER 10: PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 10.01, Acquisition And Operation Of Utilities13
Section 10.02, Regulations And Rates.....13
Section 10.03, Lease Of Plant.....14
Section 10.04, Sale Of Public Utility.....14

CHAPTER 11: GENERAL PROVISIONS

Section 11.01, Official Publication.....14
Section 11.02, Oath Of Office14
Section 11.03, Official Bonds.....14
Section 11.04, Official Interest In Contracts14
Section 11.05, Sale Of Real Property15
Section 11.06, Vacation Of Streets15
Section 11.07, No Election Of Remedies15
Section 11.08, City To Succeed To Rights And Obligations Of Former City15
Section 11.09, Existing Ordinances Continued15
Section 11.10, Pending Condemnations, Improvements And Assessments15
Section 11.11, Ordinances To Make Charter Effective15
Section 11.12, Present Officers Continued.....16
Section 11.13, Effective Dates/Transition16

CHAPTER 1: NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

Section 1.01, Name And Boundaries.

The City of Crookston, Polk County, Minnesota is a municipal corporation under the name City of Crookston and has the same boundaries as are established now or as may be established in the future.

Section 1.02, Powers Of The City.

The City has all powers which it may now or in the future be possible for a municipal corporation in this State to exercise in harmony with the Constitution of this State and of the United States. It is the intention of this Charter to give to the City every power which it would have if it were specifically mentioned. The Charter shall be constructed liberally in favor of the City. The specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the City to those mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

CHAPTER 2: FORM OF GOVERNMENT

Section 2.01, Form Of Government.

The form of government established by this Charter is the “Weak Mayor - Strong Council - Administrator Plan”. Except as otherwise provided by law or this Charter, all powers of the City are vested in the Council. The City Administrator is the head of the administrative branch of the City government and is responsible to the Council for the proper administration of all City affairs.

Section 2.02, Boards And Commissions.

The Council may establish, alter and abolish such boards and commissions as may be necessary to carry on the business of the City.

Section 2.03, Council Composition And Elections.

The Council is composed of nine individuals - a Mayor and eight Council Members, all of whom must be qualified electors. The Mayor and two Council Members shall be elected at large, and six Council Members shall be elected by wards. Each ward Council Member must be a resident of the ward from which the Council Member is elected. The Mayor and the Council Members shall serve for a term of four years and until a successor is elected and qualifies.

Section 2.04, Incompatible Offices.

Neither the Mayor nor a Council Member may be appointed City Administrator, nor may the Mayor or a Council Member hold any paid municipal office or employment under the City. Until one year after expiration of the term as Mayor or Council Member, no former Mayor or Council Member may be appointed to any paid office or employment under the City which was created or the compensation for which was increased during the term as Mayor or Council Member.

Section 2.05, Vacancies.

An elective office becomes vacant when the person elected or appointed to the office dies before taking office or fails to qualify, or the incumbent dies, resigns in writing filed with the City Administrator, is convicted of a felony, ceases to reside in the City, is adjudged incompetent by a court of competent jurisdiction, or misses six consecutive official Council meetings without good cause. In each such case, the Council may, by resolution of a majority vote of five Council Members, or four Council Members and the Mayor or Assistant Mayor in the event of a tie, declare the vacancy to exist and may appoint an eligible person to fill the vacancy for the remainder of the un-expired term.

Section 2.06, The Mayor.

The Mayor shall preside at meetings of the Council and shall not have a vote, except when there is a tie vote by the Council Members, then the Mayor shall vote in order to break ties. Every ordinance or resolution passed by the Council shall, before it takes effect, be presented to the Mayor for approval. If the Mayor approves it, the Mayor shall sign the same, but if it is not approved, it shall be returned to the Clerk within 10 days marked "vetoed". Upon the return of any ordinance or resolution by the Mayor, the vote shall be deemed to have been reconsidered, and the question shall again be put to a vote of the Council. If the Council shall pass the vetoed ordinance or resolution by a vote of at least six Council Members, it shall have the same effect as if approved by the Mayor. The vote on the vetoed ordinance or resolution shall be by ayes and nays and it shall be entered by the Clerk. If an ordinance or resolution is not deposited with the Clerk by the Mayor within 10 days after it was presented to the Mayor, it shall have the same effect as if approved by the Mayor. The Mayor shall be recognized as head of the City government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for purposes of martial law, but shall have no administrative duties. The Council shall choose from its members an Assistant Mayor who shall hold office at the pleasure of the Council. The Assistant Mayor shall preside at meetings in the Mayor's absence and shall act as Mayor in case of the Mayor's disability or absence from the City.

Section 2.07, Salaries, Wages, And Compensation.

The Mayor and Council Members shall receive such compensation as is fixed by the Council in accordance with law. The City Administrator and all subordinate officers and employees of the City shall receive such salaries or wages and other compensation as may be fixed by the Council.

Section 2.08, Investigation Of City Affairs.

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

Section 2.09, Interference With Administration.

Except for the purpose of inquiry and investigation under Section 2.08, the Council, the Mayor and Council Members shall deal with and control City administrative officers and employees under the jurisdiction of the City Administrator solely through the City Administrator and shall not give orders to any subordinate of the City Administrator either publicly or privately.

CHAPTER 3: COUNCIL MEETINGS

Section 3.01, Council Meetings.

The Council shall meet regularly at least twice a month at such times and places as the Council may designate by rule. The Mayor or any three Council Members may call special meetings of the Council upon at least twelve hours notice to each member and such reasonable public notice as may be prescribed by Council rule in compliance with the laws of the State of Minnesota. To the extent provided by law, all meetings of the Council and its committees shall be public and any citizen shall have access to the minutes and records of the Council at all reasonable times.

Section 3.02, Electronic Communications.

The Council may, by ordinance, authorize meetings and public hearings of the Council and all of the commissions, boards, and committees of the City to be held by any means of communication through which the members thereof and other persons who take part in or are present at such meeting or hearing may simultaneously hear each other during the meeting or hearing. Participation in a meeting or hearing by that means shall constitute presence in person at the meeting or hearing.

Section 3.03, Secretary Of The Council.

Unless the Council designates another City official or employee to do so, the City Clerk shall act as Secretary of the Council. The Clerk shall keep a journal of Council proceedings and perform such other duties as this Charter or the Council may require. The Council may designate any other City official or employee, except the City Administrator or a Council Member, to act as Secretary of the Council.

Section 3.04, Rules Of Procedure And Quorum.

The Council shall determine its own rules and order of business. The Mayor or Assistant Mayor and four Council Members shall constitute a quorum, but a smaller number may adjourn from time to time. The Council may by rule provide a means by which a minority may compel the attendance of absent members.

Section 3.05, Ordinances, Resolutions, And Motions.

Except as otherwise provided in this Charter, all legislation shall be by ordinance. The votes of Council Members on any action taken shall be recorded in accordance with statute. Except as otherwise provided in this Charter, an affirmative vote of five Council Members, or four Council Members and the Mayor or the Assistant Mayor in the event of a tie, shall be required for the adoption of all ordinances and resolutions.

Section 3.06, Procedure On Ordinances.

Every proposed ordinance shall be presented in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be: "The City of Crookston ordains." No ordinance, except an emergency ordinance, shall be adopted at the meeting at which it is introduced and at least three days shall elapse between its introduction and final passage.

Section 3.07, Emergency Ordinances.

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare in which the emergency is defined and declared in a preamble and the ordinance is adopted by a vote of at least seven Council Members.

Section 3.08, Procedure On Resolutions.

Every resolution shall be presented in writing.

Section 3.09, Signing And Publication Of Ordinances And Resolutions.

Every ordinance or resolution passed by the Council shall be signed by the Mayor, attested by the City Clerk, and filed and preserved by the City Clerk. Every ordinance shall be published at least once in the official newspaper. To the extent and in the manner provided by law, an ordinance may incorporate by reference a statute, state administrative rule or regulation of Minnesota, a code, or ordinance or part thereof, without publishing the material referred to in full.

Section 3.10, When Ordinances And Resolutions Take Effect.

Every resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as it specifies. All other ordinances shall take effect immediately after passage and publication or at such later date as it specifies.

Section 3.11, Amendment And Repeal Of Ordinances And Resolutions.

Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added.

Section 3.12, Revision And Codification Of Ordinances.

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

CHAPTER 4: NOMINATIONS AND ELECTIONS

Section 4.01, The Regular Municipal Election.

A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even-numbered year at such place or places as the City Council may designate.

Section 4.02, Special Elections.

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

Section 4.03, Filing For Office.

No earlier than 70 days or later than 56 days before the municipal election, any voter of the City qualified under the state constitution for elective office may, by filing an affidavit and paying the filing fee to the City Clerk, have his or her name placed on the municipal election ballot.

Section 4.04, Procedure At Elections.

Subject to this Charter and applicable state laws, the Council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

Section 4.05, Tie Votes.

In the event that there is a tie vote between or among candidates for the same office, the Clerk shall supervise the drawing of lots by them, with the results determining the relative positions of the candidates. A candidate with a higher position shall be deemed to have received more votes than a candidate with a lower position.

CHAPTER 5: ADMINISTRATION OF CITY AFFAIRS

Section 5.01, The City Administrator.

The City Administrator shall be the chief administrative officer of the City. The City Administrator shall be chosen by the Council solely on the basis of training, experience, executive and administrative qualifications. The City Administrator need not be a resident of the City at the time of the appointment, but may reside outside the City while in office only with approval of the Council. The City Administrator shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of five Council Members or four Council Members and the Mayor or Assistant Mayor in the event of a tie.

Section 5.02, Powers And Duties Of The City Administrator.

Subdivision 1.

The City Administrator shall be responsible to the Council for the administration of the City's affairs. The City Administrator shall have the powers and duties set forth in the following subdivisions:

Subdivision 2.

The City Administrator shall see that this Charter and the laws, ordinances and resolutions of the City are enforced.

Subdivision 3.

The City Administrator shall appoint and may suspend, remove, promote, demote, transfer and otherwise discipline upon the basis of merit and fitness and subject to applicable personnel rules, all subordinate officers and City employees, except that the approval of the Council shall be necessary before any such action affecting heads of departments shall be effective.

Subdivision 4.

The City Administrator shall direct and supervise all departments, offices and agencies of the City, except as otherwise provided by law or Charter.

Subdivision 5.

The City Administrator or the City Administrator's designee shall attend all meetings of the Council and may take part in discussion but not vote. The Council may, in its discretion, exclude the City Administrator from any meetings at which the employment terms and conditions, removal, suspension or other discipline of the City Administrator is considered.

Subdivision 6.

The City Administrator shall recommend to the Council for adoption such measures as the City Administrator deems necessary for the welfare of the people and the efficient administration of the City's affairs.

Subdivision 7.

The City Administrator shall keep the Council fully advised on the financial condition and needs of the City, and shall prepare and submit to the Council the annual budget and capital plan.

Subdivision 8.

The City Administrator shall submit to the Council and make available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year.

Subdivision 9.

The City Administrator shall assist the Council with long term and strategic planning.

Subdivision 10.

The City Administrator shall perform such other duties as are prescribed by Charter or may be required by the Council.

Section 5.03, Administrative Organization.

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

Section 5.04, Subordinate Officers.

There shall be a Clerk, Treasurer and such other subordinate officers to the City Administrator as the Council may establish by ordinance. The Clerk and Treasurer shall be subject to the direction of the City Administrator and shall have such duties as the Council may prescribe. The Council may by ordinance abolish offices which have been created by ordinance and it may combine the duties of various offices.

Section 5.05, Purchase And Contracts.

The City Administrator shall be the chief purchasing agent of the City. All City purchases and contracts shall be made or let by the City Administrator when the amount involved does not exceed any limit set by Council resolution. All other purchases shall be made and all contracts let by the Council after the recommendation of the City Administrator has first been obtained. All purchase contracts above the amount set by Council resolution, all other contracts, bonds and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Administrator on behalf of the City and shall be executed in the name of the City. The Council may, by ordinance, adopt further regulations for the making of bids and the letting of contracts including, but not limited to, regulations authorizing life cycle or total cost bidding.

CHAPTER 6: TAXATION AND FINANCES

Section 6.01, Council To Control Finances.

The Council shall have full authority over the financial affairs of the City. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts and the safekeeping and disbursement of public moneys.

Section 6.02, Fiscal Year.

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

Section 6.03, System Of Taxation.

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

Section 6.04, Submission Of Budget.

Annually, the City Administrator shall submit to the Council a recommended budget in accordance with a budget calendar to be established by resolution or, in the absence of such calendar, in compliance with law.