

# HOME RULE

## CITY CHARTER

### CITY OF ROBBINSDALE, MINNESOTA

Adopted November 8, 1938

Collated March 1, 1965

Recodified by Ordinance Amendment No. 1, Effective 10-9-68

Collated October 16, 1979

This document includes Charter Amendments 1 through 35

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Effective October 8, 1968

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Adopted July 8, 1968

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Adopted November 5, 2013, Ordinance No. 13-14

# CITY CHARTER

## CHAPTER 1

### NAMES, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

Section 1.01. Name and Boundaries. The City of Robbinsdale, in the County of Hennepin, and State of Minnesota, shall, upon taking effect of this charter, continue to be a municipal corporation, under the name and style of the City of Robbinsdale, with the same boundaries as now are or hereafter may be established.

Section 1.02. Powers of the City. The City shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of this state and of the United States. It is the intention of this charter that every power which the people of the city might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this charter shall be deemed to have been so conferred by the provisions of this section. This charter shall be construed liberally in favor of the city and the specific mention of particular powers in the charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

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

# CITY CHARTER

## CHAPTER 2

### FORM OF GOVERNMENT

Section 2.01. Form of Government. The form of government established by this charter is the "Council-Manager Plan." The council shall exercise the legislative power of the city and determine all matters of policy. The City Manager shall be the head of the administrative branch of the City government and shall be responsible to the council for the proper administration of all affairs relating to the city.

Section 2.02. Boards and Commissions. The council shall itself be and perform the duties and exercise the powers of boards and commissions. The council may, however, establish by ordinance boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city, or to perform quasi-judicial functions.

Section 2.03. Council Members, Qualifications and Terms. The council shall be composed of a mayor and four council members who shall be qualified electors, and shall hold no other public office except that of notary public or member of the National Guard or naval or military reserve, and who shall further qualify as provided in this charter.

The mayor and council members must reside within the boundary limits of the city and the council members must further satisfy residence requirements as set forth in Section 2.04.

The mayor shall be elected at large. Each of the council members shall be elected by the registered voters of the ward in which they reside. The mayor and the council members shall be elected for a term of four years and until their successors are elected and qualified, except that at the first election held after the adoption of this section, the offices of council members for the Third and Fourth Wards shall be filled for a two-year term. There shall be rotation in the terms of the mayor and council members so that the end of the term of the mayor and council members for the First and Second Wards is separated by two years from the end of the term of the council members for the Third and Fourth Wards.

Charter Amendment Ordinance No. 2, adopted unanimously by the City Council July 8, 1968.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Charter Amendment No. 23, Ordinance No. 91-09, adopted unanimously by the City Council September 3, 1991.

Section 2.04. Resident Council Members. The council members shall be qualified as follows: One council member shall be, at the time of election or appointment, a resident of the First Ward. One council member shall be, at the time of election or appointment, a resident of the Second Ward. One council member shall be, at the time of election or appointment, a resident of the Third Ward. One council member shall be, at the time of election or appointment, a resident of the Fourth Ward.

Continued residence in the ward in which each of the said council members resides at the time of election or appointment shall be a qualification to hold office during said council member's term.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 2.05. Wards. The area of the City as now or hereinafter established shall be divided into four wards. Review of the wards shall be made by the Council and reapportionment to comply with this section shall be made within two years from the year in which a Federal Census is taken so that wards are substantially equal in population. Reapportionment shall be by ordinance. If the Council shall fail to reapportion within the period prescribed the Mayor and Council shall forfeit all remuneration until the wards of the City are reapportioned as required by this charter.

This ordinance shall be effective on January 1, 1985.

Charter Amendment No. 17, Ordinance No. 84-13, adopted by the City Council August 7, 1984.

Section 2.06. Incompatible Offices. No member of the council shall be appointed city manager, nor shall any member hold any paid municipal office or employment under the city; and until one year after the expiration of that person's term as mayor or council member, no former member shall be appointed to any paid appointive office or employment under the city.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 2.07. Vacancies In The Council.

1. Conditions of Vacancy. A vacancy in the office of mayor or council member exists for the following reasons:

- a) failure of a person elected thereto to qualify on or before the date of the second regular meeting of the council in the year subsequent to the election;
- b) death of the member;
- c) resignation of the member;
- d) removal of the member from office;
- e) the member ceasing to be a resident of the city or of the ward or section from which elected;
- f) continuous absence of the member from the city for more than three months;
- g) conviction of the member of a felony either before or after that member's qualification for office;
- h) failure of the member without good cause to perform the duties of the office for a period of three months.

2. Procedure to Fill Vacancy.

When a vacancy occurs the council must by resolution declare the vacancy to exist. In the event the office of Mayor becomes vacant, the council members must forthwith appoint an eligible person to fill the office of Mayor until the next regular municipal election, when the office is filled for the unexpired term.

When a vacancy occurs in an elective office, other than that of Mayor, except when the same is to be filled by a recall election, the Council must forthwith appoint an eligible person to fill the office if the unexpired term is for eight months or less. The appointment shall be made no later than the fourth Tuesday of the month following the declaration of the vacancy.

If the unexpired term is for more than eight months, then a special election shall be held as follows:

- a. The Council must, by majority vote, adopt a resolution at the same meeting at which the vacancy is declared calling for a special election. Such resolution shall specify the date for the election in the event that no primary is required; and shall additionally specify the date for the primary and the election in the event that a primary is required.

All such dates shall be in conformity with the provisions of paragraph c) of this section.

- b. Filings shall be opened immediately upon declaration of the vacancy and remain open for 30 days thereafter unless the last day for filing falls on a weekend or legal holiday in which case filings shall remain open through the next following business day.

- c. The special election, or the primary in the event that three or more candidates have filed, shall be held not less than 60 days nor more than 65 days after the vacancy is declared. In the event that a primary is required, the election shall be held not less than 25 nor more than 30 days thereafter.

In the event there are no filings for the vacant office, the Council shall appoint an eligible person to fill the unexpired term.

In the case of any appointment to a vacancy in the Council, a plurality vote of the remaining members shall be necessary to appoint. Each remaining member shall have one vote, and in case of a tie vote the appointee shall be determined by lot.

Charter Amendment No. 10, Ordinance No. 77-16, adopted unanimously by the City Council May 17, 1977.  
Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.  
Charter Amendment No. 21, Ordinance No. 90-06, adopted unanimously by the City Council on May 15, 1990.

Section 2.08. The Mayor. The mayor shall be the presiding officer of the council, except that the council shall choose from its members a mayor protem who shall hold office at the pleasure of the council and shall serve as mayor in case of the mayor's disability or absence from the city, or in case a vacancy in the office of mayor until a successor has been appointed and qualified. The mayor shall have a vote as a member of the council. The mayor shall exercise all powers and perform all duties conferred and imposed upon that office by this charter, the ordinances of the city, and the laws of the state. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by courts for the purpose of serving civil process, and by the governor for the purposes of martial law. The mayor shall study the operations of the city government and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the city. In time of public danger or emergency the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 2.09. Salaries of Elected Officials. The Mayor and each council member shall receive a salary the amount of which shall be prescribed by ordinance.

Charter Amendment No. 6, Ordinance No. 72-11, adopted unanimously by the City Council September 25, 1972.  
Charter Amendment No. 16, Ordinance No. 84-11, adopted unanimously by the City Council June 5, 1984.  
Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 2.10. Investigation of City Affairs. The council and the city manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the city's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council shall provide for an audit of the city's accounts at least once a year by the state department in charge of such work or by a certified public accountant. The council may at any time provide for an examination or audit of the accounts of any officer or department of the city government and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.11. Interferences With Administration. The council or any member thereof shall not dictate the appointment of any person by the City Manager. Except for the purpose of inquiry the council and its members shall deal with and control the administrative service solely through the city manager, and neither the council nor any member thereof shall give any orders to any of the subordinates of the city manager, either publicly or privately.  
Charter Amendment Ordinance No. 3, adopted unanimously by the City Council December 5, 1968.

# CITY CHARTER

## CHAPTER 3

### PROCEDURE OF COUNCIL

Section 3.01. Council Meetings. At the first regularly scheduled council meeting in January following a regular municipal election, the newly elected members of the council shall assume their duties. Thereafter the council shall meet twice a month. The mayor or any two members of the council may call special meetings of the council upon notice to each member of the council as required by law. All meetings of the council are public meetings, and any person may inspect the minutes and records of the meetings at reasonable times in accordance with law.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.  
Charter Amendment No. 23, Ordinance No. 91-09, adopted unanimously by the City Council September 3, 1991.

Section 3.02. Council Meeting Officers. The council shall choose such officers and employees as may be necessary to serve at its meetings. The council shall appoint a secretary of the council. The secretary shall give notice of its meetings, shall keep the journal of its proceedings and shall perform such other duties as shall be required by this charter or by ordinance. The council may designate any official or employee of the city, except the city manager, the mayor, or a member of the council, as secretary.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 3.03. Rules Of Procedure And Quorum. The council shall determine its own rules and order of business. A majority of all members elected shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. Ordinances, Resolutions And Motions. Except as in this charter otherwise provided, all legislation shall be by ordinance. The "yes" and "no" vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter.

Section 3.05. Procedure On Ordinances, Including Ordinances Repealing or Amending Ordinances. The enacting clause of all ordinances shall be in the words, "The City of Robbinsdale does ordain." Every ordinance shall be presented in writing. No ordinance, except an emergency ordinance, shall be passed at the meeting at which it is introduced. Within ten days after introduction, public notice of every proposed ordinance shall be posted in the City Hall and continuous public notice shall be maintained in the City Hall until the ordinance's passage and effective date or defeat. At least fourteen days prior to passage, summaries of proposed ordinances, except emergency ordinances, shall be published, in a manner permitted by law.

Charter Amendment No. 10, Ordinance No. 77-16, adopted unanimously by the City Council May 17, 1977.  
Charter Amendment No. 19, Ordinance No. 89-21, adopted unanimously by the City Council December 5, 1989.  
Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by the City Council July 18, 2006

Section 3.06. Emergency Ordinances. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in which the emergency is defined and declared in a preamble thereto, and is adopted by a vote of all members of the council. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four hours after the ordinance has been filed with the city clerk and posted in the three conspicuous places or until the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of.

Charter Amendment No. 27, Ordinance 03-17, adopted unanimously by City Council 06-17-03.

Section 3.07. Procedure On Resolutions. Every resolution shall be presented in writing and read in full before a vote is taken thereon, unless the reading of a resolution is dispensed with by unanimous consent.

Section 3.08. Signing And Publication of Ordinances, Including Ordinances Repealing or Amending Ordinances And Resolutions. Every ordinance or resolution passed by the council shall be signed by the mayor, by the mayor pro tem, or by two other members, attested by the city clerk and filed and preserved by the city clerk. Every ordinance shall be published, in a manner permitted by law, within thirty days after passage and a summary of each such ordinance adopted by the City Council shall be published in the next quarterly newsletter of the City. In the case of lengthy ordinances, or ordinances which include charts or maps, the title and a summary of the ordinance clearly informing the public of the intent and effect of the ordinance may be published, with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the city clerk and available to any resident by request upon the paying of a nominal fee not to exceed the actual copying cost. A copy of the entire text of the ordinance shall be posted in a public location which the council designates. Prior to the publication of the title and summary the council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. To the extent and in the manner provided by law an ordinance may incorporate by reference a statute of Minnesota, a state administrative rule or regulation, a code, or ordinance or part thereof without publishing the material referred to in full.

Charter Amendment No. 10, Ordinance No. 77-16, adopted unanimously by the City Council May 17, 1977.  
Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.  
Charter Amendment No. 19, Ordinance No. 89-21, adopted unanimously by the City Council December 5, 1989.  
Charter Amendment No. 28, Ordinance No. 04-04, adopted unanimously by the City Council June 15, 2004.  
Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by the City Council July 18, 2006.

Section 3.09. When Ordinances and Resolutions Take Effect. A resolution or an emergency ordinance is effective immediately upon its passage or at such later date as is fixed therein. An ordinance that is expressly excepted from referendum under Section 5.01 of this Charter is effective on the day following publication or such later date as is fixed in it. Every other ordinance passed is effective on the 30<sup>th</sup> day after its publication, or at such later date as is fixed therein. Every ordinance and resolution adopted by the voters of the city is effective immediately upon its adoption, or at such later time as is fixed therein.

Charter Amendment No. 10, Ordinance No. 77-16, adopted unanimously by the City Council May 17, 1977.  
Charter Amendment No. 32, Ordinance 06-09, adopted unanimously by the City Council July 18, 2006.

Section 3.10. Repeal and Amendment of Ordinances and Resolutions. Every ordinance or resolution repealing a previous ordinance or resolution or section or subdivision thereof shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. Any ordinance or resolution repealing in whole the text of any section or subdivision of a previous ordinance or resolution need not contain the text of the section or subdivision being repealed. No Ordinance or resolution or section or subdivision thereof shall be amended in part 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 in part and shall indicate new matter by underscoring and old matter to be omitted by lining it through. If repeal or amendment of a section or subdivision requires the renumbering or relettering of another section or subdivision, the ordinance need only state that subsequent sections or subdivisions are to be redesignated as necessary. In publication, in a manner permitted by law, the same indications of omitted and new matter shall be used except that italics or boldface type may be substituted for underscoring and omitted matter may be printed in capital letters within parentheses.

Charter Amendment No. 14, Ordinance No. 84-09, adopted unanimously by City Council May 1, 1984.  
Charter Amendment No. 19, Ordinance No. 89-21, adopted unanimously by City Council December 5, 1989.  
Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 3.11. Revision and Codification of Ordinances. The council may revise, rearrange, and codify its ordinances and such additions and deletions as may be deemed necessary, except as otherwise provided for under Section 5.08. Such ordinance code shall be published in book, pamphlet, or continuously revised loose-leaf form and copies shall be made available by the council at the office of the city clerk for general distribution to the public free or at reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice is published, in a manner permitted by law, for at least two successive weeks that copies of the codification are available at the office of the city clerk.

Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 3.12. Amendments to Zoning Ordinance and Comprehensive Plan. Unless otherwise provided by state law, all amendments to the zoning ordinance and comprehensive plan shall require a four-fifths affirmative vote of the City Council.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Charter Amendment No. 26, Ordinance No. 02-09, adopted unanimously by the City Council August 20, 2002.

# CITY CHARTER

## CHAPTER 4

### NOMINATIONS AND ELECTIONS

Section 4.01. General Election Laws To Apply. Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this charter. The council shall through ordinances duly adopted in compliance with such state laws and this charter, adopt suitable and necessary regulations for the conduct of such elections.

Section 4.02. Regular Municipal Elections. A regular municipal election shall be held on the 1st Tuesday after the 1st Monday in November of the year in which an election is to be held at such place or places as the city council may designate by resolution. At least 15 days notice shall be given by the city clerk of the time and places of holding such election, and of the offices to be elected, by posting a notice thereof in at least one public place in each ward or wards where the election is held and by publishing a notice thereof at least once, in a manner permitted by law.

Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 4.03. Primary Elections. The council shall, whenever three or more candidates have filed for any citywide office, or for resident council member of any ward, or section, provide through ordinance or resolution for a primary election to be held, citywide or in any particular ward, or section, and such primary election shall be held on a date not less than 25 days prior to the general election. At least 15 days notice shall be given by the clerk of the time and places of holding such elections, and of the officers to be elected, by posting a notice thereof in at least one public place in each ward where the election is held, and by publishing a notice thereof at least once, in a matter permitted by law.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.  
Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 4.04. Special Elections. The council may by resolution passed by a majority vote of its members order a special election and provide all means for holding such special election, provided that three consecutive weeks published notice of said election be given, in a manner permitted by law. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.  
Charter Amendment No. 33, Ordinance No. 07-13, adopted unanimously by the City Council October 2, 2007.

Section 4.05. Judges Of Election. The council shall, at least 25 days before each municipal election, appoint qualified voters for each voting precinct to be judges of election therein as provided by statute.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.  
Charter Amendment No. 23, Ordinance No. 91-09, adopted unanimously by the City Council September 3, 1991.

Section 4.06. Nominations. Any person desiring to become a candidate for mayor or council member shall, prior to the municipal election and conforming with state elections, file with the city clerk of the city a statement of such candidacy in substantially the following form:



# CITY CHARTER

## CHAPTER 5

### INITIATIVE, REFERENDUM AND RECALL

Section 5.01. Powers Reserved By The People. The people of the city reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, to require such an ordinance when passed by the council to be referred to the electors for approval or disapproval, and to recall elected public officials. These powers shall be called Initiative, Referendum, and Recall respectively. Initiative is the process for voters to propose and adopt an ordinance. Referendum is the process to require an ordinance passed by the council to be referred to the voters for approval or disapproval. Recall is the process for removing an elected public official from office. Initiative and referendum may not be used with an ordinance that involves land use or zoning.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.  
Charter Amendment No. 30, Ordinance No. 05-04, adopted unanimously by the City Council July 19, 2005.

Section 5.02. [NOTE: This section was deleted.]

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.  
Charter Amendment No. 24, Ordinance No. 99-09, adopted unanimously by the City Council September 21, 1999.

Section 5.03. Initiation of Measures. The initiative is governed by Sections 5.03 through 5.09. Any five eligible voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 5.01. Before circulating any petition they shall file a verified copy of their proposed ordinance with the city clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors thereof.

Section 5.04. Form Of Petition And Of Signature Papers. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of eligible voters equal to at least 15% of the total number of registered voters in the city at the time of the regular municipal election immediately prior to the filing of said petition. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION

Proposed an ordinance to \_\_\_\_\_ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This Ordinance is sponsored by the following committee of eligible voters:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

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

Signature	Name (printed)	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator.

Section 5.05. Filing of Petitions And Action Thereon. All the signature papers shall be filed in the office of the city clerk as one instrument. Within five days, after filing of the petition, the city clerk shall ascertain by examination the number of eligible voters whose signatures are appended thereto and whether this number is at least fifteen per cent of the total number of registered voters in the city at the time of the regular municipal election immediately prior to the filing of said petition. If the clerk finds the petition insufficient or irregular, the clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for the finding. The committee shall then be given thirty days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the city clerk shall file it in the clerk's office 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 ordinance to the electors at the next regular or any special election at its option.

Section 5.06. Action of Council On Petition. When the petition is found to be sufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners and the percentage of the total number of eligible voters which they constitute, and the council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the council not later than sixty-five days after the date upon which it was submitted to the council by the city clerk. If the council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to the vote of the voters at the next regular municipal election; but if the number of signers of the petition is equal to at least 20 percent of the total number of registered voters in the city at the time of the regular municipal election immediately prior to the filing of said petition, the council shall call a special election upon the ordinance. Such special election shall be held not less than thirty days nor more than forty-five days from the date of final action on the ordinance by the council or after the expiration of sixty-five days from the date of submission to the council where there has been no final action; but if a regular election is to occur within three months, the council may submit the ordinance at that election. If the council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the city clerk within ten days of the passage thereof by the council, the ordinance need not be submitted to the voters.

Section 5.07. Initiative Ballots. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the voters voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the city. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of voters voting on the question shall prevail to the extent of the inconsistency.

Section 5.08. Amendment Or Repeal. Any ordinance adopted by the vote of the people cannot be repealed or amended except by a vote of the people.

Section 5.09. Initiation of Charter Amendments. Nothing in this charter shall be construed as in any way affecting the right of the voters under the constitution and the statutes of Minnesota to propose amendments to this charter.

Section 5.10. Referendum. The referendum is governed by Sections 5.10 through 5.12. If prior to the date when an ordinance takes effect, a petition signed by eligible voters of the city equal in number to fifteen percent of the total number of registered voters in the city at the time of the regular municipal election immediately prior to the filing of said petition, is filed with the city clerk requesting that any such ordinance be repealed or submitted to the voters, the ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the ordinance at its next regular meeting and either repeal it or by "yes" and "no" vote re-affirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special election to be held thereon, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the voters voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.11. Referendum Petitions. The requirements laid down in Section 5.03 and 5.04 for the formation of committees for initiation of ordinances and the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to \_\_\_\_\_ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of eligible voters:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned petitioners, understanding the nature of the ordinance hereto attached and believing it to be detrimental to the welfare of the city, petition the council for its submission to the voters for their approval or disapproval.

Signature	Name (printed)	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator.

Section 5.12. Referendum Ballots. The ballots used in any referendum election shall conform to the rules laid down in Section 5.07 of this charter for initiative ballots.

Section 5.13. Recall. The recall is governed by Sections 5.13 through 5.17. Any five eligible voters within the city may form themselves into a committee for the purpose of bringing about the recall of any officer elected by the entire City. Any five eligible voters within a section or ward may form themselves into a committee for the purpose of bringing about the recall of any officer elected from their respective section or ward. Such committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal of not more than 250 words, and their intention to bring about this recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Section 5.14. Recall Petitions. The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers, but the circulator of every paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

RECALL PETITION

Proposing the recall of \_\_\_\_\_ from office as \_\_\_\_\_ which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of eligible voters:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned eligible voters, understanding the nature of the charges against the officer sought to be recalled, and residing in the city, section, or ward (whichever is applicable) from which the officer was elected, desire the holding of a recall election for that purpose.

Signature	Name (printed)	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

At the end of the list of signatures shall be appended the affidavit of the circulator.

Section 5.15. Filing Of Petition. Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the petition within the next five days, and if the city clerk finds it irregular in any way, or finds that the number of signers is less than twenty-five per cent of the total number of registered voters in the city at the time of the regular municipal election immediately prior to the filing of said petition, the city clerk shall notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still insufficient or irregular, the city clerk shall notify all the members of the committee to that effect and shall file the petition in the clerk's office. No further action shall be taken thereon.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 5.16. Recall Election. If the petition or amended petition is found sufficient, the city clerk shall transmit it to the council without delay, and also shall officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by resolution, provide for the holding of a special recall election to conform as nearly as possible to that prescribed for other municipal elections. The clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of the officer's course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 5.17. Form Of Recall Ballot. Unless the officer whose removal is sought resigns within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall \_\_\_\_\_ be recalled?," the name of the officer whose recall is sought being inserted in the blank, and the qualified electors shall be permitted to vote separately "yes" or "no" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of \_\_\_\_\_ if recalled;" but officer whose recall is sought shall not be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and the candidate who receives the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular municipal election.

Charter Amendment No. 20, Ordinance No. 90-05, adopted unanimously by the City Council May 15, 1990.

# CITY CHARTER

## CHAPTER 6

### ADMINISTRATION OF CITY AFFAIRS

Section 6.01. The City Manager. The city manager shall be the chief administrative officer of the city. The city manager shall be chosen by the council solely on the basis of that person's training, experience, and administrative qualifications. The choice shall not be limited to inhabitants of the city or state but the city manager shall be a citizen of the United States. The city manager shall be appointed for an indefinite period and the city manager shall be removed at the discretion of the council at any time by a three-fifths vote of the city council. During the absence or disability of the city manager, the duties of that office shall be performed by some properly qualified person designated by the council as acting manager.

Charter Amendment Ordinance No. 3, adopted unanimously by the City Council December 5, 1968.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

#### Section 6.02. Powers And Duties of The City Manager.

Subdivision 1. Subject to the provisions of this charter and any council regulations consistent therewith, the city manager shall control and direct the administration of the city's affairs. The city manager shall have the powers and duties set forth in the following sub-divisions:

Subdivision 2. The city manager shall see that this chapter and the laws, ordinances and resolutions of the city are enforced.

Subdivision 3. The city manager shall appoint, upon the basis of merit and fitness and subject to applicable civil service rules, if any, all employees of the city, except that the appointment of officers and department heads shall be upon the advice and consent of the council and except that the appointment, removal and suspension of the city attorney, shall be at the sole discretion of the council. The city manager may remove or suspend any employee subject to applicable civil service provisions, if any, except that the removal or suspension of officers and department heads shall be with the advice and consent of the council.

Charter Amendment Ordinance No. 3, adopted unanimously by the City Council December 5, 1968

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Charter Amendment No. 29, Ordinance No. 04-05, adopted unanimously by the City Council June 15, 2004.

Subdivision 4. The City Manager shall exercise control over all departments and divisions of the city administration created by this charter or by the council.

Subdivision 5. The City Manager shall attend all meetings of the council, with the right to take part in the discussion but not to vote; but the council may in its discretion, subject to any applicable provisions of state law, exclude the city manager from any meeting at which the city manager's removal is considered.

Charter Amendment No. 24, Ordinance No. 99-09, adopted unanimously by the City Council September 21, 1999

Subdivision 6. The City Manager shall recommend to the council for adoption such measures as the city manager may deem necessary for the welfare of the people and the efficient administration of the city's affairs.

Subdivision 7. The City Manager shall keep the council fully advised as to the financial condition and needs of the city, and the city manager shall prepare and submit to the council the annual budget.

Subdivision 8. The City Manager shall prepare and submit to the council for adoption an administrative code incorporating the details of administrative procedure, and from time to time the city manager shall suggest amendments to such code.

Subdivision 9. The City Manager shall perform such other duties as may be prescribed by this charter or by law or required of the office by ordinances or resolutions adopted by the council.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 6.03. Departments of Administration. The council may create such departments, divisions, and bureaus for the administration of the city's affairs as may seem necessary, and from time to time alter their powers and organizations. It may, in conjunction with the city manager, prepare a complete administrative code for the city and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

Section 6.04. Subordinate Officers. There shall be a city clerk, city treasurer, city assessor, and such other officers subordinate to the city manager as the council may create by ordinance. The city clerk shall be subject to the direction of the city manager, and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the city's affairs as the council and this charter prescribe. The city clerk may be designated to act as secretary of the council and also as treasurer. The council may by ordinance abolish offices which have been created by ordinance, and it may combine the duties of various offices as it may see fit.

Section 6.05. Purchase And Contracts. The City Manager shall be the chief purchasing agent of the city. All city purchases and contracts shall be made or let by the City Manager when the amount of the intended purchase or contract does not exceed twenty-five thousand (\$25,000) dollars, subject to the provisions of state law relating to such contracts.

Charter Amendment No. 9, Ordinance No. 76-1, adopted unanimously by the City Council February 9, 1976.

Charter Amendment No. 25, Ordinance No. 02-08, adopted unanimously by the City Council August 20, 2002.

Charter Amendment No. 35, Ordinance No. 13-14, adopted unanimously by City Council November 5, 2013.

Section 6.06. Contracts: How Let. Contracts entered into by the city for the sale or purchase of supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property shall be governed by state laws relating to such contracts.

Charter Amendment No. 9, Ordinance No. 76-1, adopted unanimously by the City Council February 9, 1976.

Charter Amendment No. 12, Ordinance No. 78-12, adopted unanimously by the City Council November 21, 1978.

Charter Amendment No. 23, Ordinance No. 91-09, adopted unanimously by the City Council September 3, 1991.

# CITY CHARTER

## CHAPTER 7

### TAXATION AND FINANCES

Section 7.01. Council To Control Finances. The council shall have full authority over the financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safe-keeping and disbursement of public moneys, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

Section 7.02. Fiscal Years. The fiscal year of the city shall be the calendar year.

Section 7.03. System Of Taxation. Subject to the state constitution, and except as forbidden by it or by state legislation, the council shall have full power by ordinance for a system of local taxation. In the taxation of real and personal property as such, the city shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

Section 7.04. Board Of Equalization. The council shall constitute a board of equalization to equalize assessments of property for taxation purposes according to law.

Section 7.05. Preparation Of The Annual Budget. The city manager must prepare a preliminary budget. The budget must include all the funds of the city, except the funds made up of proceeds of bond issues, utility funds, and special assessments funds. The budget may include such funds at the discretion of the council. The budget shall indicate the sums to be raised and from what sources and the sums to be spend and for what purposes by fund for each department or division of the city. The budget must show the income and expenditures classified in accordance with generally accepted accounting principles. The city manager must submit with the estimates such explanatory statements as deemed necessary. The budget must show comparative figures for the current fiscal year, actual and estimated, and for the two preceding fiscal years.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.  
Charter Amendment No. 22, Ordinance No. 92-03, adopted unanimously by the City Council April 8, 1992.

Section 7.06. Passage Of The Budget. The preliminary budget must be considered by the council no later than the first regular meeting of the council in August or as otherwise required by law. The council must consider the budget at subsequent budget meetings until a budget is adopted.

Notice of budget hearings must be published, in a manner permitted by law, prior to the hearings in accordance with state law. The notice must state that copies of the budget are available at City Hall for public inspection. The consideration of the budget and public hearings must be conducted so as to give citizens a reasonable opportunity to be heard. The city manager must review the budget in the detail requested by the council. The adopted budget must set forth the complete financial plan of the city for the ensuing fiscal year. The sums appropriated by the budget may not exceed the estimated revenues and reserves to fund the expenditures in the budget.

The council must adopt the budget at the public hearing as required by state law by a resolution which shall set forth the total for each budgeted fund.

A separate tax levy resolution of the council must levy sufficient taxes to provide adequate revenues for the budgeted expenditures. The clerk must certify the tax levy resolution to the county auditor in accordance with law. The sums fixed in the budget resolution are appropriated for the purposes identified in the budget resolution and no other.

Charter Amendment No. 22, Ordinance No. 92-03, adopted unanimously by the City Council April 8, 1992.  
Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 7.07. Enforcement of The Budget. It shall be the duty of the city manager to enforce the provisions of the budget. The City Manager shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the adopted budget, nor for any expenditure covered by the adopted 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 order or make any purchase except for a purpose and to the amount authorized in the adopted budget. Any obligation incurred by any persons in the employ of the city for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure.

Charter Amendment No. 24, Ordinance No. 99-09, adopted unanimously by the City Council September 21, 1999

Section 7.08. Alterations In The Budget. After the budget resolution has been adopted, the council shall have no power to increase the amounts fixed in the budget resolutions, by the insertion of new items or otherwise, beyond the estimated revenues unless the actual receipts exceed the estimates and then not beyond the actual receipts. The council may at any time, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution, or by a vote of four members, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

Section 7.09. Emergency Appropriation In Budget. The council may include an emergency appropriation as a part of the budget but not to exceed 5% of the total budget. A transfer from the emergency appropriation to any other appropriation shall be made only by a vote of at least four members of the council and shall be used only for emergency purposes designated by the council.

Section 7.10. Disbursements. How Made. No disbursement of city funds shall be made except by check signed by the city manager and mayor and specifying the fund from which it is drawn. No such check shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet approved and signed by the responsible city officer who vouches for its correctness and reasonableness. The city manager shall note on each contract requiring the payment of money by the city the particular fund out of which it is to be paid. The council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the city.

Section 7.11. Funds To Be Kept. There shall be maintained by the city treasurer a classification of funds which shall provide for a general fund for the payment of such expenses of the city as the council may deem proper, and such other funds as may be required by statute, ordinance or resolution. The council shall have full power by ordinance or resolution to make inter-fund loans, except from non-expendable trust and agency funds, as may be deemed necessary and appropriate from time to time.

Charter Amendment No. 24, Ordinance No. 99-09, adopted unanimously by the City Council September 21, 1999

Section 7.12. Accounts And Reports. The city manager is the chief accounting officer of the city. The city manager must keep the council informed on the financial status of the city. The city manager must provide for an annual audit of the city's finances by either the state auditor or a firm of certified public accountants as required by state law. A summary of the report must be published once, in a manner permitted by law, as prescribed by the state auditor's office.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Charter Amendment No. 22, Ordinance No. 92-03, adopted unanimously by the City Council April 8, 1992.

Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 7.13. City Indebtedness.

Subdivision 1. Except as provided in Sections 7.14, 7.15 and 7.17, no obligations shall be issued to pay current expenses, but the Council may issue and sell obligations for any other municipal purpose in accordance with law and within limits prescribed by law.

Charter Amendment No. 15, Ordinance No. 84-10, adopted unanimously by the City Council June 5, 1984.

Subdivision 2. Surpluses in any of the sinking funds of the City of Robbinsdale may be invested in any bonds or obligations issued by the Housing and Redevelopment Authority in and for the City of Robbinsdale subject to the limitations contained in Subdivision 3 of this section.

Charter Amendment No. 4, adopted by the voters at a special election on April 14, 1969.

Charter Amendment No. 8, adopted by the voters at a special election on June 10, 1975.

Subdivision 3. The council without obtaining the approval of the electors, may issue and sell obligations to provide funds to purchase obligations and to invest in obligations of the Housing and Redevelopment Authority in and for the City of Robbinsdale issued for the corporate purposes of said authority. The total investment in obligations of the Housing and Redevelopment Authority may not exceed 2 per cent of the annual real property assessed valuation of the City.

Charter Amendment No. 4, adopted by the voters at a special election on April 14, 1969.

Charter Amendment No. 8, adopted by the voters at a special election on June 10, 1975.

Section 7.14. Tax Anticipation Certificates. At any time after January 1st following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed ninety percent of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine and shall bear interest at no more than the lawful rate, but they shall become due and payable not later than the 1st day of April of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.15. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the city, or if any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures, the council may by ordinance issue and sell on such terms and in such manner as the council determines emergency debt certificates to run not to exceed three years and to bear interest not to exceed the maximum limit provided by law.

Section 7.16 Bonds Outside the Debt Limit. The council may issue bonds for the legal purposes outside of the debt limit as provided by law.

Section 7.17 Financing of Certain Equipment. The City Council may, by resolution and without public referendum, issue capital notes subject to the City debt limit to purchase public safety equipment, ambulance and other medical equipment, road construction and maintenance equipment, and other capital equipment having an expected useful life at least as long as the term of the notes. The notes shall be payable in not more than five years and be issued on terms and in a manner to be determined by the City Council. The total principal amount of the capital notes issued in a fiscal year shall not exceed one-tenth of one percent of the assessed value of the City for that year. A tax levy shall be made for the payment of the principal and interest on the notes as in the case of bonds. Notes issued under this section shall require an affirmative vote of four-fifths of the City Council.

Charter Amendment No. 15, Ordinance No. 84-10, adopted unanimously by the City Council June 5, 1984.

# CITY CHARTER

## CHAPTER 8

### PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. Power To Make Improvements And Special Assessments. The city shall have the power to make any and every type of public improvement not forbidden by the laws of the State of Minnesota and to levy special assessments to pay all or any part of the cost of such improvements as are of local character. The amounts assessed to pay for such local improvements may equal the cost of the improvements, including all costs and expenses connected therewith, with interest, until paid, but in no case shall exceed the benefits to the property.

Section 8.02. Assessments For Services. The council may provide by ordinance that the cost of any service to streets, sidewalks, or other public property, or the costs of any services to other property undertaken by the city may be assessed against the property benefited and collected in like manner as are special assessments.

Section 8.03. Local Improvements. After this charter takes effect, all local improvements commenced prior thereto shall be completed and assessments may be levied and securities may be issued for the financing thereof as prescribed by the law applicable thereto. The council may prepare and adopt a comprehensive ordinance, prescribing the procedure which shall be followed thereafter, and such ordinance when adopted shall supersede all other provisions of the law on the same subject. In the absence of such ordinance or until adoption of such ordinance, all local improvements may be made and assessments levied therefore as prescribed by an applicable law.

Section 8.04. Public Works. How performed. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either by day labor or by contract. The city shall require contractors to give bonds for the protection of the city and all persons furnishing labor and materials, pursuant to the laws of the state pertaining to and governing public works.

Section 8.05. Administrative Penalties.

- (A) The City Council may establish by ordinance a procedure for imposing an administrative penalty for any violation of the City Code or a City ordinance. The procedure must provide an opportunity for any person charged with an administrative penalty to be notified of the penalty and to have an opportunity to respond to the charge. The procedure may authorize the City to use the services of a non-City employee to decide whether an administrative penalty should be imposed.
- (B) The City Council may provide by ordinance that unpaid administrative penalties be collected as a special assessment against real property if the administrative penalty relates to the maintenance of the property or to an activity, proposed use, or delivery of City service associated with the property. The ordinance must provide that the City should first attempt to obtain voluntary payment of the penalty. The ordinance must also provide that notice and an opportunity to be heard will be given to the property owner listed on the official tax records before the penalty is assessed.
- (C) With respect to unpaid administrative penalties specially assessed against real property pursuant to Paragraph (B) of this Section, the special assessment may include the administrative and legal costs incurred by the City in connection with collecting those unpaid administrative penalties.

Charter Amendment No34, Ordinance No. 11-04, adopted unanimously by the City Council April 19, 2011.

# CITY CHARTER

## CHAPTER 9

### EMINENT DOMAIN

*(NOTE: Minnesota Statute on "Eminent Domain" superseded this section in 1971. The language herein is retained in the event that the state statute is ever repealed or amended.)*

Section 9.01. Power To Acquire Property. The city 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 the city for any public use or purpose. Easements for slopes, fills, sewer, building lines, poles, wires, pipes, and conduits for water, gas, heat, and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.

Section 9.02. Proceedings In Acquiring Property. The necessity for 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 legal proceedings, as in taking land for Public use by right of eminent domain according to the laws of this state, except as otherwise provided in this charter. Any condemnation proceedings in progress when this charter takes effect shall be continued and completed under the laws under which such proceedings were begun.

Section 9.03. Payment of Award. Whenever an award of damages is confirmed in any proceedings for the taking of property under this charter, or whenever the court renders final judgment in any appeal from such award and the time for abandoning such proceedings by the city has expired, the city shall, within sixty days of such final determination, pay the amount of the award or judgment of the court, as the case may be; and if not so paid, judgment therefore may be had against the city.

Section 9.04. 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 final determination thereof, abandon such proceedings as to all or any part of the property sought to be acquired and shall pay all reasonable costs and expenses thereof, including fees of counsel.

Section 9.05. City May Take Entire Plant. If the city condemns 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 the condemnation proceedings or any of the proceedings of the council, to describe or treat separately the different kinds of property composing such system; but all the property, lands, articles, franchises, and rights which comprise such system may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commissioners or other body assessing the damages on condemnation. This does not prevent the city, when the plant and property are separable into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.

Charter Amendment No. 23, Ordinance No. 91-09, adopted unanimously by the City Council September 3, 1991.

# CITY CHARTER

## CHAPTER 10

### FRANCHISES AND PUBLIC UTILITIES

Section 10.01. Franchises Required. Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon or under any street, highway or public place for the purpose of operating a public utility or for any other purpose, without a franchise therefore from the City.

Section 10.02. Franchise Ordinance. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms and filed with the city clerk.

Section 10.03. Term. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty years shall be effective until approval by a majority of the electors voting thereon.

Section 10.04. Public Hearing. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the council, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once, in a manner permitted by law, not less than ten days prior to the date of the hearing. Additional notice of such hearing may be given in such a manner as the council may determine.

Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 10.05. Cost of Publication Of Franchise. The grantee shall bear the cost of publication of the franchise ordinance and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Section 10.06. Power Of Regulation Reserved. Subject to any applicable law the council may by ordinance reasonably regulate and control the exercise of any franchise, including maximum rates, fares or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain. Franchise rights shall always be subject to the superior rights of the public to the use of streets and public places.

Section 10.07. Renewals Or Extensions Of Franchises. 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.

Section 10.08. Applicability Of State Law. The provisions of this chapter relating to the regulation of rates and charges of an enfranchised public utility shall be inapplicable to the extent that rates and charges are regulated by the State Minnesota.

Charter Amendment No. 13, Ordinance No. 78-29, adopted unanimously by the City Council February 20, 1979.

# CITY CHARTER

## CHAPTER 11

### PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 11.01. Acquisition & Operation Of Utilities. The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for acquisition or has made provision for paying for the property proposed to be required. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

Section 11.02. Rates And Finances. Upon recommendations made by the city manager or upon its own motion, the council may fix rates, fares and prices for municipal utilities but such rates, fares or prices shall be just and reasonable. Before any such rates, fares or prices are fixed by the council, the council shall hold a public hearing on the matter in accordance with Section 11.04. The council shall prescribe the time and the manner in which payments for all such services shall be made and may make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

Section 11.03. Purchase In Bulk. The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Section 11.04. Notice Of Hearings. Notice of hearings shall be published at least once, in a manner permitted by law, not less than ten days prior to the date of hearing. Additional notice of such public hearing may be given in such manner as the council may determine.

Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 11.05. 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 by four-fifths vote of the council and subject to popular referendum. Such ordinance shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten years.

Section 11.06. Public Utility. How Sold. No public utility owned by the city shall be sold or otherwise disposed of by the city unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of state statutes.

# CITY CHARTER

## CHAPTER 12

### MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 12.01. Official Publication. The council may annually designate a legal newspaper of general circulation in the city as its official newspaper in which may be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem in the public interest to have published in this manner. The Council may in addition to or as an alternate to the official newspaper designate the City's internet website or other technology or source generally available to the public in which may be published ordinances and other matters permitted by law to be so published as well as such other matters the council may deem in the public interest to have published in this manner, which such publication is permitted by law.

Charter Amendment No. 23, Ordinance No. 91-09, adopted unanimously by the City Council September 3, 1991.

Charter Amendment No. 31, Ordinance No. 06-08, adopted unanimously by City Council July 18, 2006.

Section 12.02. Oath Of Office. Every officer of the city shall, before entering upon the duties of the office, take and subscribe an oath of office in the following manner: "I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Minnesota, that I will, in all respects, observe the provisions of the charter and ordinances of the City of Robbinsdale and will faithfully discharge the duties of the office of \_\_\_\_\_, to the best of my judgment and ability."

Charter Amendment No. 24, Ordinance No. 99-09, adopted unanimously by the City Council September 21, 1999

Section 12.03. City Officers Not To Accept Favors Or Contracts. No member of the city council or employee of the city, shall solicit or receive any pay, commission, money, thing of value, or derive any profit, directly or indirectly, from or by reason of any improvement, alteration, or repair required by authority of the city more favorable than those granted to the public generally, or any contract to which the city shall be party, except his lawful compensation, including authorized expenditures, or salary as such member of the city council or as such employee. No member of the city council or employee of the city 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 to the public generally. A violation of any of the provisions of this section shall disqualify the offender, if found guilty, from continuing in office or in the employment of the city, and the individual shall be removed therefrom. Any contract with the city in which any member of the council or employee of the city, is, or becomes directly or indirectly interested personally, shall be voidable at the option of the council; and any money which shall have been paid on such contract by the city may be recovered from any or all of the persons interested therein by joint or several action.

Section 12.04. Official Bonds. The city manager, the city clerk, the city treasurer, and such other officers or employees of the city as may be provided for by ordinance shall each, before entering upon the duties of his respective office or employment, give a corporate surety bond to the city in such form and in such amount as may be fixed by the council as security for the faithful performance of his official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket surety bonds in the discretion of the council. They shall be approved by the city council and approved as to form by the city attorney, and filed with the city clerk. The provisions of the laws of the state relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the city.

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

Robbinsdale land used for park or recreational purposes or any land hereafter acquired or designated for park or recreational purposes by the City of Robbinsdale, shall not be conveyed or used for any other purpose unless authorized by the voters at a special or general election. This provision shall not affect the public use of a specific park or recreational area, when the area of such public use is 1/4 acre or less, or is less than 1/10 of the Park area, whichever is smaller, nor the temporary storage of snow.

Charter Amendment No. 7, adopted by the voters on November 7, 1972.

Section 12.06. Vacation Of Streets. The council may by ordinance, approved by at least four members of the council, vacate any street or alley or part thereof within the city. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed in accordance with law.

Section 12.07. Statutes Not Affected By Charter. All general laws and statutes of the state applicable to all Cities operating under home rule charters, or applicable to Cities of the same class as the city of Robbinsdale operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Robbinsdale and shall be construed as supplementary to the provisions of this charter.

Section 12.08. Existing Ordinances Continued. All ordinances and regulations of the municipality in force when this charter takes effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect until amended or repealed.

Section 12.09. Fines and Penalties. All fines, forfeitures, and penalties recovered for the violation of any ordinance shall be paid into the city treasury. Every court or officer receiving such moneys, within 30 days thereafter, shall make return thereof under oath and be entitled to duplicate receipts for the amounts paid.

Section 12.10. Unclaimed Motor Vehicles, Disposition. Section 12.10 of the City Charter of the City of Robbinsdale entitled "Unclaimed Motor Vehicles, Disposition" is hereby repealed.

Charter Amendment Ordinance No. 5, adopted unanimously by the City Council June 8, 1970.

Charter Amendment No. 11, Ordinance No. 78-22, adopted unanimously by the City Council November 11, 1978.