

**HOME RULE CHARTER
of the
CITY OF MORRIS**

CHAPTER 1

NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

SECTION 1.01. Name and Boundaries. The City of Morris, Stevens County, Minnesota, shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established.

SEC. 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 Constitutions of this State and of the United States. It is the intention of this Charter to confer upon the City every power which it would have if it were specifically mentioned. The Charter shall be construed liberally in favor of the City and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the City to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

SEC. 1.03. Charter a Public Act. This Charter shall be a public act and need not be pleaded or proved in any case. It shall take effect thirty (30) days from and after its adoption by the voters.

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 legislative power of the City and determine all matters of policy. The City Manager shall be the head of the administrative service of the City government and shall be responsible to the Council for the proper administration of all affairs relating to the City.

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

SEC. 2.03. Council Composition and Election. The Council shall be composed of a Mayor and four (4) Councilmen who shall be qualified electors and who shall be elected at large. Each member of the Council shall serve for a term of four (4) years and until a successor is elected and qualifies. When the Charter is ratified the Mayor and Councilmen who had been elected to office under the previous Charter shall continue in office until their terms expire.

SEC 2.04. 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. No former member shall be appointed until one year after the expiration of that member's term, to any paid appointive office or employment under the City which was created or the compensation for which was increased during the member's term on the Council.

SEC. 2.05. Vacancies. A vacancy in the office of Mayor or Councilman shall be deemed to exist when the person having been elected fails to qualify on or before the date of the second regular meeting of the new Council, or upon the death, resignation, removal from office, removal from the City, continuous absence from the City for more than three months, or conviction of a felony of any such person whether before or after qualification, or by reason of the failure of any Councilman without good cause to perform any of the duties of membership in the Council for a period of three months. In such cases, the Council shall, by resolution, declare such vacancy to exist and shall, within thirty (30) days thereafter, appoint an eligible person to fill such office until the next regular municipal election, when the office shall be filled for the unexpired term. In the event the Council fails to make such appointment within thirty (30) days, the Mayor shall, within ten (10) days thereafter, appoint an eligible person to fill the vacancy until the next regular municipal election.

SEC. 2.06. The Mayor. The Mayor shall preside at meetings of the Council and shall have a vote as a member. The Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council. The president pro tem shall serve as president in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City or in case of a vacancy in the office of Mayor until a successor has been appointed and qualified. 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.

SEC. 2.07. Salaries. Each member of the Council shall receive a salary, the amount of payment which shall be established by ordinance. No change in salary shall take effect until after the next succeeding municipal election.

SEC. 2.08. Investigation of City Affairs. The Council and the City Manager, or either of them, and any officer or officers formally authorized by them shall have the 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 qualified 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.

Source: Home Rule Charter Ballot
of November 4, 1975

SEC. 2.09. Interference with Administration. Except as hereinafter provided, neither the Council nor any of its members shall dictate the appointment or removal of any City administrative officer or employee, but the Council may express its views and freely discuss with the City Manager anything pertaining to appointment and removal of officers and employees. Except for the purpose of inquiry and investigation under Section 2.08, the Council and its members shall deal with and control City administrative officers and employees under the jurisdiction of the City Manager, solely through the City Manager, and neither the Council nor any Council members shall give orders to any subordinate of the City Manager either publicly or privately.

Source: Special Election Ballot
of November 2, 1982

CHAPTER 3

COUNCIL PROCEDURE

SECTION 3.01. Council Meetings. On the first Tuesday after the first Monday in January, following a regular municipal election, the Council shall meet at the usual place and time for holding of Council meetings. At this time, the newly elected members of the Council shall assume their duties. Thereafter, the Council shall meet at such time as may be prescribed by ordinance or resolution, except that they shall meet in regular session at least once each month. The Mayor, or any two members of the Council may call special meetings of the Council upon at least twelve (12) hours notice to each member of the Council and to the news media. To the extent provided by law, all meetings of the Council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

SEC. 3.02. Secretary of Council. The City Clerk or such other official as may be delegated, shall act as secretary of the Council. The secretary shall keep a journal of Council proceedings and such other records and perform such other duties as this Charter or the Council may require. Minutes of all Council proceedings shall be published in the designated official newspaper immediately following their approval.

SEC. 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 except as otherwise prescribed by Charter, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which a majority may compel the attendance of absent members. If by reason of simultaneous death, natural, civil, or military disaster, disappearance, or vacancy, it shall not be possible to assemble a required quorum, the majority of the remaining members of the Council shall constitute a quorum for the purposes of calling for a special election as herein provided.

SEC. 3.04. 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. An affirmative vote of a majority of all members of the Council shall be required for the adoption of all ordinances, except as otherwise provided by law or in this Charter.

SEC. 3.05. Procedure on Ordinances. The enacting clause of all ordinances shall be in the words, "The Council of the City of Morris does hereby ordain". Every ordinance shall be introduced in writing and every ordinance other than an emergency ordinance shall have two public readings at regular or special meetings. The reading of the title and summary of a proposed ordinance shall be sufficient unless the full reading shall be requested by any member of the Council. Upon introduction of a proposed ordinance, the ordinance shall be read and if approved on its first reading, a time shall be set for a second reading and a public hearing on the proposed ordinance. A notice shall be published at least once in the official newspaper

stating the time and place when and where said ordinance shall be given a public hearing and be considered for final passage, along with a summary of said proposed ordinance. The notice shall be published at least three (3) days prior to the time set for the public hearing. At the time and place set in the notice, or at any time and place to which such hearing shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard. After final reading and hearing, the Council may finally pass the proposed ordinance with or without amendment, except that if it shall make an amendment which constitutes a change of substance, it shall not finally pass the ordinance until it shall have caused a like notice of hearing to be published as herein provided and a public hearing held thereon..

SEC. 3.06. Emergency Ordinance. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health or safety in which the emergency is defined and declared in the preamble thereto, and is adopted by unanimous vote of the Council members present. No prosecution shall be based upon the provisions of any emergency ordinance until twenty-four (24) hours after the ordinance has been published, unless the person charged with violation had actual notice of the passage of the ordinance prior to the act or omission complained of. Every emergency ordinance shall automatically stand repealed as of the sixty-first (61) day following the date in which it was adopted, but this shall not prevent enactment of the ordinance in the manner specified in this Section if the emergency still exists or in the manner as provided for regular ordinances.

Source: Home Rule Charter Ballot
of November 4, 1975

SEC. 3.07. Procedure on Resolutions. Every resolution shall be read in full before a vote is taken thereon, and shall be reduced to writing upon passage, unless the reading of the resolution is dispensed with by unanimous consent.

SEC. 3.08. Signing and Publication of Ordinances and Resolutions. Every ordinance and resolution passed by the Council shall be signed by the mayor or acting Mayor, attested to by the City Clerk, and filed and preserved by the City Clerk. Every ordinance shall be published at least once in the official newspaper within five (5) days following its adoption. If the City Council determines that publication of a title and a summary of the ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may by a fourfifth (4/5) vote of its members direct that only the title of the ordinance and a summary be published with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk and at any other location which the Council designates. A copy of the entire text of the ordinance, when a summary only is published shall be posted in the Morris City Library and at the Morris City Hall. 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 other City ordinance or part thereof, without publishing the material referred to in full.

Source: Special Election Ballot
of November 2, 1982

SEC. 3.09. When Ordinances and Resolutions Take Effect. A resolution and an emergency ordinance shall take effect immediately upon its passage or at such later date as if fixed in it. Every other ordinance shall take effect thirty (30) days after publication or at such later date as is fixed therein, except that every ordinance adopted by the voters of the City shall take effect immediately upon its adoption or at such later time as is fixed therein.

SEC. 3.10. Amendment and Repeal of Ordinances and Resolutions. An ordinance or resolution may be repealed in its entirety by reference to its number, title and date of passage. No section or subdivision of any ordinance or resolution may be amended by reference to its number and title alone, but such amendment shall contain verbatim the section or subdivision to be amended, together with the amended form thereof, and the original section or subdivision thereof shall be repealed.

SEC. 3.11. Revision and Codification of Ordinances. The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the Council. Such ordinance code shall be published in book, pamphlet or continuously revised looseleaf 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 a reasonable charge. Distribution and publication in such code shall be sufficient notice of any ordinance provision not previously published, provided that a notice stating that copies of the recodification are available at the office of the City Clerk is published in the official newspaper for at least two (2) successive weeks.

CHAPTER 4

ELECTIONS

SECTION 4.01. Elective Officers. The elective officers of the City shall be the mayor and Councilmen.

SEC. 4.02. Regular Municipal Elections. 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. All elections shall be conducted as provided in the general laws of the State of Minnesota.

Source: Special Election Ballot of August 2, 2005

SEC. 4.03. Special Election. The Council may by resolution order a special election for any purpose by causing a notice thereof to be published in the official newspaper at least two (2) weeks prior to the special election. The procedure for the special election shall conform to that prescribed for regular municipal elections.

SEC. 4.04. Rotation of Names. The names of the candidates on municipal election ballots shall be rotated in the manner prescribed for the rotation of names on non-partisan ballots in State elections.

CHAPTER 5

INITIATIVE, REFERENDUM AND RECALL

SECTION 5.01. Powers Reserved by the People. The people of the City of Morris reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt ordinances and resolutions, except a resolution appropriating money or authorizing the levy of taxes, to require measures passed by the Council to be referred to the electorate for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

SEC. 5.02. Expenditures by Petitioners. No member of any initiative referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent the committee from incurring expenses for legal advice, stationery, copying, printing, advertising, and notary's fees. The committee, at least five (5) days before the election, shall file with the City Clerk a financial statement verified by a member of the committee, which shall show in itemized detail all receipts, with the source thereof, and all disbursements and all obligations to make disbursements. Any violation of the provisions of this Section shall constitute a misdemeanor.

SEC. 5.03. Further Regulations. The Council may provide by ordinance such further regulations for the initiative, referendum and recall not inconsistent with this Charter, as it deems necessary.

INITIATIVE

SEC. 5.04. Initiation of Measures. Any five (5) electors may form themselves into a committee for the initiation of any ordinance or resolution, except as provided in Section 5.01. Before circulating any petition, they shall file a verified copy of their proposed ordinance or resolution with the City Clerk together with their names and addresses as members of such committee. Such proposed ordinance or resolution shall be fully consistent with the proper legal framing. The committee shall attach a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors thereof.

SEC. 5.05. Form of Petition and of Signature Papers. The petition for the adoption of any measure shall consist of the ordinance or resolution together with all of the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten percent (10%) of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature paper 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

Proposing an ordinance (or resolution) (stating the purpose of the measure), a copy of which ordinance (or resolution) is hereto attached. This measure is sponsored by the following committee of electors:

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

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

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

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

SEC. 5.06. Filing of Petitions and Action Thereof. The committee shall have ninety (90) days after the filing of the verified copy of the ordinance or resolution in which to file an initiative petition. The failure to file within the required time shall cause the petition to expire and no further action thereon shall be required. All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) days after the filing of the petition, the City Clerk shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least ten percent (10%) of the total number of electors who cast their vote at the last preceding regular municipal election. If the petition is found insufficient or irregular, the City Clerk shall at once notify each of the five (5) members

of the committee of sponsors of the fact, certifying the reasons for the finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period, the petition is found to be still insufficient or irregular, it shall be filed in the Clerk's office and the Clerk shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the Council from referring the measure to the electors at the next regular or any special election at its option.

SEC. 5.07. 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 regular meeting, stating the number of petitioners and the percentage of the total number of voters which they constitute. The Council shall at once read the ordinance or resolution and thereupon provide for public hearings as may be required. After the holding of which the Council shall either:

- A. Pass the proposed ordinance or resolution within sixty-five (65) days of the date at which it was submitted to the Council by the City Clerk; or
- B. Proceed within the same sixty-five (65) day period to call a special election. Said election must be held within thirty (30) days thereof at which election said measure shall be submitted without alteration to a vote of the people. If a regular municipal election is to occur within three (3) months of the certification date, it shall be submitted at such election; or
- B. In case the Council passes the proposed ordinance but with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a certification filed with the City Clerk within ten (10) days from the passage by the Council, then the measure need not be submitted to the electors.

SEC. 5.08. Initiative Ballots. The ballots used when voting upon any such proposed measure shall state the substance thereof and shall give the voter the opportunity to vote either "yes" or "no". If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or resolution of the City, as the case may be. Any number of proposed measures may be voted upon at the same election. In case there shall be more than one, the voters shall be allowed to vote for or against each separately. In the event of the simultaneous adoption of two (2) initiative measures containing inconsistent provisions, the one adopted by the larger majority shall prevail.

SEC. 5.09. Amendment or Repeal. Any ordinance adopted by the vote of the people cannot be repealed or amended except by the vote of the people or by the vote of a majority of all the numbers of the City Council. No such vote by the Council shall be taken until after the next regular municipal election.

SEC. 5.10. Initiation of Charter Amendments. Nothing in this Charter shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this Charter.

Referendum

SEC. 5.11. The Referendum. If prior to the date when an ordinance takes effect, a petition signed by qualified electors of the City equal in number to twenty-five percent (25%) of the total vote at the last regular municipal election is filed with the City Clerk requesting that such ordinance be repealed or be submitted to the vote of the electors, 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 "aye" and "no" vote, reaffirm 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 electors voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date herein specified.

SEC. 5.12. Referendum Petition. The requirements of Sections 5.04 and 5.05 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum wherever 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 electors:

	<u>Name</u>	<u>Address</u>
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 a vote of the electors for their approval or disapproval.

Name

Address

1. _____

2. _____

3. _____

At the end of the list of signatures shall be appended the affidavit of the circular, mentioned above.

SEC 5.13. Referendum Ballots. The ballots used in any referendum election shall conform to the rules described in Section 5.08 of this Charter for initiative ballots.

Recall

SEC. 5.14. The Recall. Any five (5) electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words, and its intention to bring about the officer's 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.

SEC. 5.15. The Recall Petition. 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 and affidavits thereto attached. It shall be signed by a number of voters equal in number to at least twenty-five percent (25%) of the total ballots cast at the election at which such official was elected, which petitioners, however, shall not be less than one hundred (100) in number. 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:

Recall Petition

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

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

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

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

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

SEC. 5.16. Filing of Petition. Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk who shall examine the same within the next five (5) days, and if the City Clerk finds it irregular in any part, or finds that the number of signers is less than twenty-five percent (25%) of the total ballots cast at the election at which such official was elected, which petitioners, however, shall not be less than one hundred (100) in number, shall so notify each of the five (5) members of the committee in writing. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement on 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, all members of

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the committee shall be notified in writing to that effect. The petition shall then be filed in the office of the City Clerk. No further action shall be taken thereon.

SEC. 5.17. Recall Election. If the petition be found sufficient, the City Clerk shall certify it to the Council at its next regular meeting, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall immediately by resolution, provide for the holding of a special recall election not less than thirty (30) nor more than forty-five (45) days thereafter, provided, that if a regular municipal election is to occur within sixty (60) days after such meeting, the Council may provide for the holding of the recall election at that time.

SEC. 5.18. Procedure at Recall Election. In the published call for the election, there shall be given the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in rebuttal to the recall charges.

SEC. 5.19. Ballot. Unless the officer whose removal is sought shall have resigned within ten (10) days after the receipt by the Council of the completed recall petition, the form of the ballot at such election shall read substantially as follows: "Shall _____ be recalled?" The name of the officer whose recall is sought being inserted in the blank and the electors shall be permitted to vote separately "yes" or "no" upon this question. In case a majority of those voting shall vote in favor of recalling such official, he/she shall be thereby immediately removed from office. Any vacancy created by such recall or resignation shall be filled by the Council in the same manner as any other vacancy.

SEC. 5.20. Limitation - Disqualification. No recall petition shall be filed against any officer within six (6) months after the commencement of that officer's term of office. No person who has been recalled from office or has resigned from such office while recall proceedings were pending shall be elected or appointed to any elective office in the City within one (1) year after such recall or resignation.

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

SECTION 6.01. The City Manager. The City Manager shall be the chief administrative officer of the City and shall be chosen by the Council solely on the basis of training, experience, and administrative qualifications. The choice shall not be limited to inhabitants of the City or State but the Manager shall be a citizen of the United States. The City Manager shall be appointed for an indefinite period and shall be removable by the Council at will, provided, however, that if removed at any time after one year of service, the Manager may within fifteen (15) days after removal, demand written charges and a public hearing on the same before the Council. Pending and during such hearing, the Council may suspend the Manager from office with or without pay. The public hearing shall take place within thirty (30) days after the demand for the same and the written charge shall be furnished by the Council at least ten (10) days before the hearing. During the suspension, absence or disability of the City Manager, or in case of a vacancy in the office of the City Manager, the duties of the office shall be performed by a properly qualified person designated by the Council as Acting Manager.

SEC. 6.02. Powers and Duties of the City Manager.

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

Subd. 2. To see that the Charter and laws, ordinances, and resolutions of the City are enforced.

Subd. 3. To appoint, suspend, or remove, upon the basis of merit and fitness, and upon the provisions of all applicable ordinances, all officers and employees of the City, except the City Attorney whose appointment and removal shall be at the discretion of the Council. Appointment or removal of department heads shall be made final only upon a majority vote of the Council.

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

Subd. 5. To attend all meetings of the Council with the right to take part in the discussion but not to vote.

Subd. 6. To recommend to the Council for adoption such measures as may be deemed necessary for the welfare of the people and the efficient administration of the City's affairs.

Subd. 7. To keep the Council fully advised as to the financial condition and needs of the City, and to prepare and submit to the Council an annual budget.

Subd. 8. To prepare and submit to the Council in the form of an ordinance an administrative code for the City and/or amendments to the same.

Subd. 9. To perform such other duties as may be prescribed by this Charter or by law or required by ordinance or resolution adopted by the Council.

SEC. 6.03. Departments of Administration. The Council may in consultation with the City Manager, create or abolish such departments, divisions, and bureaus for the administration of the City's affairs as may deem necessary, and from time to time alter their powers and organization.

SEC. 6.04. Subordinate Officers and Employees. There shall be a City Clerk and such other officers and employees subordinate to the City Manager as the Council may deem.

SEC. 6.05. City Attorney. The Council shall appoint, by the vote of the majority of all its members, a City Attorney, who shall be the legal adviser on all City matters and render such legal services for the City as may be deemed necessary. With approval of the Council the City Attorney may appoint such assistant attorneys as may be necessary.

SEC. 6.06. Purchases 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. Contracts shall be made in compliance with the uniform contracting law, and whenever competitive bids are required the contract shall be let to the lowest responsible bidder. The Council may, however, reject any and all bids. The Council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

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. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safeguarding and disbursement of public monies.

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

SEC. 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 to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the City shall conform to the general State law as to the assessment of such property and the collection of such taxes.

SEC. 7.04. Board of Review. The Council shall constitute a board of review to adjust assessments of property for taxation purposes, according to law.

SEC. 7.05. Submission of Budget. Annually on or before September 1, the City Manager shall submit to the Council a recommended budget for the next fiscal year. The budget shall provide a complete financial plan for all City funds and activities and, except as required by law or Charter, shall be in such form as the Manager deems desirable or the Council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service, and comparative figures for the current fiscal year, actual and estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operation, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. For utilities operated by the City, the budget shall show anticipated net surplus or deficit and the proposed method of its disposition. Subsidiary budgets for each utility giving income and expenditure information shall be included or attached as appendices. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by law. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by law.

Source: Home Rule Charter Ballot
of November 4, 1975

SEC. 7.06. Council Action on Budget. The budget shall be considered no later than at the first regular meeting of the Council in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be conducted as to give interested citizens a reasonable opportunity to be heard. The Council shall adopt the budget no later than

the last date established by law for the County Auditor to levy taxes. The budget resolution shall set forth the total for each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying the amount of taxes provided in the budget and the City Clerk shall certify the tax resolution to the County Auditor in accordance with law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

Source: Special Election Ballot
of November 2, 1982

SEC. 7.07. Enforcement of the Budget. It shall be the duty of the City Manager to enforce the provisions of the budget as specified in the budget resolution. The City Manager shall not authorize or approve any expenditures unless an appropriation has been made in the budget resolution and there is an available unencumbered balance of the appropriation sufficient to pay the liability to be incurred. No officer or employee of the City shall place any orders to make any purchases except for the purposes authorized in the budget. Any obligation incurred by any person in the employ of the City for any purpose not in the approved budget resolution or in excess of the available monies in any fund of the City shall be considered a personal obligation upon the person incurring the expenditure.

SEC. 7.08. Alterations in the Budget. After the budget resolution has been adopted, the Council shall not increase the amount fixed in the resolution beyond the estimated receipts except to the extent that actual receipts exceed the estimate. At any time, the Council may, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose in the budget resolution or authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

SEC. 7.09. Funds. There shall be maintained in the City Treasury a general fund and such other funds as may be required by statutes, ordinance, or resolution. The Council may, by ordinance or resolution, make inter-fund transfers or loans, as it may deem necessary and appropriate. The Council may include a contingency appropriation as part of the general fund budget but not to exceed three percentum (3%) of the total appropriation for the general fund made in the budget for that year. The funds thus appropriated shall be used only for the purposes designated by the Council.

SEC. 7.10. Disbursements. No disbursement of City funds, except those of an authorized imprest account, shall be made except by check bearing actual or facsimile signature of the City Manager and City Treasurer and specifying the purpose for which the disbursement is made and the fund from which it is drawn. No such check shall be issued until there is sufficient money to the credit of the fund from which it is to be paid. No such check shall be issued until the claim to which

it relates has been supported by an itemized bill, payroll, or

§ 7.10

time sheet approved and signed by the responsible City official who vouches for its correctness and reasonableness. The Council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the City.

SEC. 7.11. City Indebtedness. Except as provided in Sections 7.12 and 7.13 herein, no obligations shall be issued to pay current expenses. The Council may, however, issue and sell obligations for any other municipal purpose within the limitations prescribed by law. In the case of obligations for which an election is required by law, no such obligations shall be issued and sold without the approval of the majority voting on the question at a general or special election.

SEC. 7.12. Tax Anticipation Certificate. At any time after January 1, following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon shall not exceed 90% 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, 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.

SEC. 7.13. Emergency Debt Certificates. If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the necessary and ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by resolution or by emergency ordinance issue and sell on such terms and in such manner as the Council determines, emergency debt certificates bearing interest not to exceed the maximum list provided by law.

SEC. 7.14. Investment of Funds. The City Manager shall have the power to invest, on behalf of the City, the surplus or unexpended balance of funds in obligations of the City of Morris and in any securities in which funds of the State of Minnesota may be invested.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

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

SEC. 8.02. Assessments for Services. The Council may provide by ordinance that the cost of City services to streets, sidewalks, or other public or private property be assessed against property benefited and collected in the same manner as special assessments.

SEC. 8.03. Local Improvement Regulations. The Council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed in making all local improvements and levying assessments. In the absence of such an ordinance, all local improvements shall be made and assessments levied, as prescribed by State law.

SEC. 8.04. Public Works. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either by day labor or by contract.

CHAPTER 9

EMINENT DOMAIN

SECTION 9.01. Acquisition of Property. The City may acquire, by purchase, gift, condemnation, or otherwise, any property, either within or without its boundaries, that may be needed by the City for any public purpose. In acquiring property by exercising the power of eminent domain, the City shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law.

CHAPTER 10

FRANCHISES

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 or public place for the purpose of operating a public utility or for any other purpose, without a franchise from the City. 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. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the Clerk to guarantee publication before the ordinance is passed.

SEC. 10.02. Term. No exclusive or perpetual franchise shall ever be granted. No franchise for a term exceeding twenty (20) years shall be effective until approved by a majority of the electors voting thereon.

SEC. 10.03. Public Hearing. Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the Council, the Council shall hold a public hearing on the matter in accordance with the procedures as specified herein for ordinances.

SEC. 10.04. Power of Regulation Reserved. Subject to any applicable law the Council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the violation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation; nor in proceedings, for municipal acquisition of the grantee's property by purchase or eminent domain.

SEC. 10.05. Renewals or Extensions. Every renewal or modification of a franchise, including an existing franchise, shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

SECTION 11.01. Acquisition and Operation of Utilities. The City may own and operate any water, gas, light, power, heat, telephone, transportation or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or other governmental agencies. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed. The City shall not acquire or construct any public utility unless the proposition to acquire or to construct it has been incorporated in an ordinance and adopted by the Council. Such ordinance shall not be an emergency ordinance.

SEC. 11.02. Regulation and Rates. The Council may by ordinance, fix rates, fares, and prices for any municipal utility, prescribe the time and manner of payment for any such service, make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

SEC. 11.03. Lease of Plant. The Council may by ordinance contract with any person, firm or corporation for the operation of any municipal utility for a term not to exceed ten (10) years. Such ordinance shall not be an emergency ordinance.

SEC. 11.04. Sale of Public Utility. 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 voting thereon at a general or special election. Any sale, lease or abandonment of a water works or light plant shall be subject, in addition, to the requirements of State law.

CHAPTER 12

GENERAL PROVISIONS

SECTION 12.01. Official Publication. The Council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper in which ordinances and other matters required by law shall be published.

SEC. 12.02. Oath of Office. Every elected official of the City shall, before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of the State of Minnesota and the Charter of the City of Morris, and to discharge faithfully the duties devolving upon me as _____ (title of office) of the City of Morris to the best of my judgment and ability."

SEC. 12.03. Official Interest in Contracts. Except as otherwise permitted by law, no elected or appointed officer of the City who is authorized to take part in making any sale, lease, or contract in an official capacity, shall have a personal financial interest in that sale, lease, or contract nor personally benefit therefrom.

SEC. 12.04. Sales of Real Property. No real property of the City shall be disposed of except by ordinance. The proceeds of any sale of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction or improvement of this or other property used for the same public purpose. If there is no such outstanding indebtedness, the Council may by resolution designate some other public use for the proceeds.

Source: Home Rule Charter Ballot
of November 4, 1975

SEC. 12.05. Vacation of Streets. The Council may by ordinance approved by fourfifths (4/5) of the Council membership vacate any street or alley 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 procedures as the Council may by ordinance prescribe. A notice of completion of such proceedings shall be filed with the proper County officers in accordance with law.

Source: Special Election Ballot
of November 2, 1982

SEC. 12.06. 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 Morris, and not inconsistent with the provisions of this Charter, shall apply to the City of Morris and shall be construed as supplementary to the provisions of this Charter.

SEC. 12.07. Existing Ordinances Continued. All ordinances and regulations of the City in force when this Charter takes effect and not inconsistent with this Charter are continued in full force and effect until amended or repealed.

SEC. 12.08. Pending Condemnations, Improvements and Assessments. Any condemnation, improvement or assessment proceeding in progress when this Charter takes effect shall be continued and completed under the laws under which such proceeding was begun. All assessments made by the City prior to when this Charter takes effect shall be collected and the lien enforced in the same manner as if this Charter had not been adopted.

SEC. 12.09. Ordinance to Make Charter Effective. The Council shall by ordinance, resolution, or other appropriate action take such steps as may be necessary to make effective the provisions of this Charter.

Source: Home Rule Charter Ballot
of November 4, 1975

CHAPTER 13

CHARTER COMMISSION

SECTION 13.01. Charter Commission. A permanent Charter Commission shall be established.

SEC. 13.02. Commission Size, Qualifications. The size of the Charter Commission shall be fixed at seven members, each of whom shall be a qualified voter of the City.

SEC. 13.03. Commission Members, Terms, Vacancies. Charter Commission members shall hold office for the term of four years, and until their successors are appointed and qualified. No person may hold more than two successive terms as a Commission member. Vacancies in the Commission shall be filled by the appointment of the Chief Judge for the unexpired terms, unless the Chief Judge fails to so appoint, in which case, the City Council of the City of Morris shall appoint new Commission members. Appointments shall be made by order filed with the Clerk of District Court.

SEC. 13.04. Commission Vacancies. When any member of the Charter Commission has failed to perform the duties of his/her office and has failed to attend four successive meetings without being excused by the Commission, the secretary of the Charter Commission shall file a certificate with the Clerk of District Court setting forth those facts, and the District Court shall thereupon make its order of removal and the Chief Judge shall fill the vacancy created thereby.

SEC. 13.05. Commission Meeting. The Charter Commission shall meet at least once during each calendar year, and upon presentation of a petition signed by at least 10% of the number of voters of the City as shown by the returns of the last annual election, or upon resolution approved by a majority of the governing body of the City of Morris requesting the Commission to convene, the Commission shall meet to consider the proposal set forth in such petition or resolution.

SEC. 13.06. Compensation and Expenses. The members of the Charter Commission shall receive no compensation, but the Commission may employ an attorney and other personnel to assist in framing the Charter, and any amendment or revision thereof, and the reasonable compensation of the cost of printing or publication when so directed by the Commission shall be paid by the City. The City Council may levy a tax in excess of statutory or Charter tax limitations to pay such expenses.

SEC. 13.07. Meetings; Reports. The Charter Commission shall make rules, including quorum requirements, with reference to its operations and procedures. The Commission shall submit to the Chief Judge of the District Court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year. The Commission shall forward a copy of the report to the City Clerk.

Source: Special Election Ballot
of November 2, 1982

STATE OF MINNESOTA

CITY OF MORRIS

COUNTY OF STEVENS

WHEREAS, The Honorable Chief Judge of the Eighth Judicial District, State of Minnesota (the same being the Judicial District wherein the City of Morris is situated), did by Order dated March 12, 1974, appoint a Charter Commission to perform the duties imposed by law upon such Commission, which said Commission consists of the following named persons, viz:

John Q. Imholte	Ann (Mrs. James) Eidsvold
Ronald L. Klaphake	Judy (Mrs. Clyde) Johnson
S.A. (Tony) Gausman	David Holman
Lynn (Mrs. Russell) DuBois	

AND WHEREAS, each and all of said members of said Commission duly accepted said appointment and entered upon the performance of their duties and pursuant to Article XI, Section 3 of the Constitution of the State of Minnesota, did frame the annexed and foregoing proposed Charter for said City of Morris, which proposed Charter has been drafted and is proposed to replace the present and existing Charter of said City.

John Q. Imholte	Ann (Mrs. James) Eidsvold
Ronald L. Klaphake	Judy (Mrs. Clyde) Johnson
S.A. (Tony) Gausman	David Holman
Lynn (Mrs. Russell) DuBois	

STATE OF MINNESOTA

CITY OF MORRIS

COUNTY OF STEVENS

I, Ronald L. Klaphake, City Manager of the City of Morris, Minnesota, do hereby certify that the hereto attached revised Home Rule Charter was prepared by the Charter Commission for the City of Morris, duly appointed by the Honorable Chief Judge of the Eighth Judicial District, State of Minnesota (the same being the Judicial District wherein the City of Morris is situated), and was duly presented to the Morris City Council, who thereupon duly ordered said revised City Charter to be submitted to the voters of said City at the general municipal election held on Tuesday, November 4, 1975.

I further certify that said election was duly held on said date and that said revised City Charter was duly ratified by the voters of said City at said election by the following vote: 681 votes in favor of adoption and 314 votes against.

In witness whereof, I have hereunto set my hand and the seal of said City of Morris this 5th day of November, 1975.

SEAL

/s/ RONALD L. KLAPHAKE
Ronald L. Klaphake, City Manager