

City of Brooklyn Park
CITY CHARTER
Adopted by Referendum
September 9, 1969

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NAME, BOUNDARIES, POWERS, AND GENERAL PROVISIONS

SECTION 1.01 NAME AND BOUNDARIES (Amended by Ordinance #2009-1098 Effect. 7/30/09)

¹The Village of Brooklyn Park, in the County of Hennepin, and State of Minnesota, shall, upon the taking effect of this Chapter, continue to be a municipal corporation, under the name and style of the City of Brooklyn Park, 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 (Amended by Ordinance #2009-1098 Effect. 7/30/09)

This Charter shall be a public act and need not be pleaded or proved in any case. The Charter shall take effect thirty (30) days from and after its adoption by the voters, except as provided for in Section 14.17.

¹ *On September 9, 1969 the Village of Brooklyn Park became a charter city, Brooklyn Park*

CHAPTER 2

FORM OF GOVERNMENT

SECTION 2.01 FORM OF GOVERNMENT (Amended by Ordinance #2009-1098 Effect. 7/30/09)

The form of government established by this Charter is the Council-Manager plan. The Council shall exercise the legislative and executive power of the city and determine all matters of policy. The Council shall have complete control and be responsible for city administration, but shall exercise this control exclusively through the City Manager and the Council shall not attempt to perform any administrative work.

SECTION 2.02 BOARDS AND COMMISSIONS (Amended by Ordinance #2009-1098 Effect. 7/30/09)

The Council shall itself be and perform the duties and exercise the powers of all local 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, or to investigate any subject of interest to the city. The Council shall determine by ordinance, the size, terms of office, and vacancy procedures of each board and commission. Members of such boards and commissions shall be appointed by the Council and shall: 1) select their own officers, 2) establish their own procedural rules, 3) conduct as many meetings as necessary.

No more than one of the appointees shall hold any other office or position in the city government. However, the Council may appoint a city officer or employee to a board or commission to serve as a non-voting staff consultant or advisor. In no case shall a city officer or employee be chair of a board or commission.

SECTION 2.03 MAYOR AND COUNCIL MEMBERS: QUALIFICATIONS AND TERMS (Amended by Ordinance #1975-208A Effect. 11/23/75; #1986-537A Effect. 11/28/86; #2009-1098 Effect. 7/30/09)

The Council shall be composed of a Mayor and six Council Members who shall be qualified voters, and shall hold no other elected office, nor any non-elective paid municipal office or employment for the city, and who shall qualify as provided in this Charter.

The Mayor and Council Members must reside within the boundary limits of the city. The Council Members must reside within the boundary limits of the district that they are elected to represent.

The Mayor shall be elected at-large. Each of the district Council Members shall be elected by the qualified voters of the district in which they reside. There shall be two Council Members elected from each district.

The Council Members shall be elected for a term of four years and shall serve until their successors are elected and qualified. There shall be one Council Member elected from each district each even numbered year. The Mayor shall be elected at-large every four years commencing in 1990.

The transition from two year terms for Council Members to four year terms shall be as follows:

Council Members who are elected at the regular election in 1986 shall have a term of two years and those three Council Member positions shall be on the ballot in November of 1988 for a term of four

years, and the new four term terms shall commence in January of 1989.

Council Members who are elected at the regular election in 1987 shall have a term of three years and those three Council Member positions shall be on the ballot in November of 1990 for a term of four years, and the new four year terms shall commence in January of 1991.

The transition from a three year term for the Mayor to a four year term shall be as follows:

The Mayor elected at the regular election to be held in November, 1987, shall serve a three year term; the Mayor elected at the regular election to be held in November, 1990, shall serve a four year term commencing in January of 1991. The Mayor's term from that date forward shall be for four years.

SECTION 2.04 DISTRICTS AND REDISTRICTING PROCEDURES (Amended by Ordinance #1971-33A Effect. 2/17/72; #1981-357A Effect. 7/2/81; #1982-388A Effect 8/20/82; #1986-538A Effect. 12/1/86; #1992-691 Effect. 7/7/92; #1994-757 Effect. 9/5/94; #2000-941 Effect. 3/6/01; #2002-968 Effect. 9/10/02; #2003-993 Effect. 7/3/03; #2009-1098 Effect. 7/30/09)

The city shall be divided into three representative districts whereby population within the boundaries of each district shall be as near equal as practical in keeping with the one-person, one-vote concept.

The district boundaries of the city shall be evaluated biennially by the Charter Commission.

The City Manager shall issue a City Population Report by the first day of March of each odd-numbered year, to commence in 1973, that shall contain the current estimates of population per district, based on any and all of the following sources: (1) The United States Census, (2) Any special census, (3) Building permit records, and/or (4) Any other information available that will provide the most current population estimate per district.

When the population has deviated from district to district, as evidenced in the Manager's Biennial City Population Report or as determined by the Charter Commission, the Charter Commission shall provide a Redistricting Report to the City Council. The Charter Commission shall submit this report to the Council within 45 days after the release of the Manager's City Population Report. This Redistricting Report, upon its release to the Council, shall be published by the Council in two consecutive issues of the official newspaper of the city. The Council shall consider the report of the Charter Commission and within 45 days of its release enact a redistricting ordinance which shall take effect 30 days after publication. If the Council does not enact by ordinance a plan for redistricting within the specified time, no further remuneration shall be paid to the Mayor or Council until the districts of the city are duly redetermined as required by this Charter.

The City Manager shall report to the Charter Commission recommended or required changes in district or precinct boundaries as a result of the U. S. Census or any court or legislative ordered redistricting or apportioning which affects districts or precinct boundaries. The Charter Commission and the City Council shall then proceed to redistrict pursuant to the afore described provisions of this section of the Charter and of any applicable State statutes.

No redistricting shall occur at any time by the City Council unless and until the Charter Commission has the opportunity to provide a redistricting report to the City Council in accordance with this Section.

SECTION 2.05 INCOMPATIBLE OFFICES (Amended by Ordinance #2005-1037 Effect. 8/31/05)

No member of the Council shall be appointed City Manager, nor shall any member hold any non-elective paid municipal office or employment under the city except as otherwise permitted by state law; and until one year after the expiration of his/her term as Mayor or Council Member, no former member shall be appointed to any non-elective paid appointive office or employment under the city.

SECTION 2.06 COUNCIL VACANCIES (Amended by Ordinance #1972-124A. Effect. 12/20/72; #1998-883 Effect 9/3/98; #2003-995 Effect. 7/3/03; #2009-1098 Effect. 7/30/09)

A vacancy in the City Council or office of Mayor shall be declared when any of the following occur:

1. The failure of any person elected to qualify on or before the date of the second regular meeting of the new Council.
2. Death.
3. Resignation.
4. Failure to perform any of the duties of Council Member for a continuous period of ninety (90) days.
5. Conviction of a felony.
6. A judgment of incompetence by a court of competent jurisdiction.
7. Member removed by recall.
8. Council Member is elected Mayor or Mayor is elected to a Council seat.
9. Member no longer resides in the City of Brooklyn Park or, in the case of a Council Member, the district the member represents. If the process of redistricting changes a Council Member's district, that Council Member shall continue to represent the district until the member's term expires.
10. Council Member forfeits office in accordance with Section 14.04 (B) or any reason specified by law.

If any of the foregoing is determined to have happened, the Council shall, by resolution at the next regular or special Council meeting declare a vacancy on the Council to exist. Declaration date of vacancy shall be the date of the Council meeting at which the resolution is adopted. Vacancies must be publicly declared by resolution, posted at City Hall, and with notification to be given by any other practical means. Within 30 days after the declaration date, the Council must do one of the following:

- (a) Appoint an eligible person to fill the office for the balance of the unexpired term if less than 365 days remain in the term. The candidate receiving a majority of votes of all members of the Council must be appointed to fill the vacancy. If no candidate receives a majority of votes, additional votes may be taken. If the Council fails to make an appointment within 30 days, or if the Council votes three times on the appointment and fails to fill the vacancy, the Mayor must, within fifteen days after such event, appoint an eligible person to fill the vacancy; or,
- (b) Order a special municipal election to fill the vacancy for the balance of the unexpired term if 365 days or more remain in the term. The Council shall set times for

candidates to file for such office, however, filings may close no sooner than 7 days after the election is ordered. The election must be held no less than 49 days and no more than 60 days after the election is ordered. There shall be no primary regardless of the number of candidates. Except as provided in this section of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

SECTION 2.07 THE MAYOR (Amended by Ordinance #1972-125A Effect. 12/20/72; #2009-1098 Effect. 7/30/09)

The Mayor shall be the presiding officer of the Council. The Council shall choose from its members a Mayor Pro-Tem who shall hold office at the will of the Council and shall serve 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 qualified successor has been elected or appointed. 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 him/her 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 the courts for purpose of serving civil process and by the Governor for purposes of martial law.

SECTION 2.08 SALARIES (Amended by Ordinance #2009-1098 Effect. 7/30/09)

The Mayor and members of the Council shall receive such compensation for their services as may be prescribed by ordinance enacted by a simple majority vote of all the members of this Council. The City Manager and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the Council.

SECTION 2.09 INVESTIGATIONS AND AUDITS (Amended by Ordinance #1999-907 Effect 01/20/2000; #2009-1098 Effect. 7/30/09)

The Council shall have power to make investigations into the city's affairs, subpoena witnesses, administer oaths and compel the production of books, papers and other documentary evidence including electronic format. The Council shall provide for an audit of the city's accounts at least once a year by the Minnesota State Auditor or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any office 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 2.10 INTERFERENCE WITH ADMINISTRATION (Amended by Ordinance #2009-1098 Effect. 7/30/09)

Except for the purpose of inquiry in Section 2.09, the Council and its members shall deal with and control the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

CHAPTER 3

PROCEDURE OF COUNCIL

SECTION 3.01 COUNCIL MEETINGS (Amended by Ordinance #1978-277A Effect. 1/20/79; Ordinance #1993-736 Effect. 1/10/94; Ordinance #2006-1066 Effect. 3/7/07)

At the first 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 at such times each month as may be prescribed by ordinance or resolution, but not less frequently than once each month. The Mayor or any three members of the Council may call special meetings of the Council upon at least 3 days notice to each member of the Council in the manner provided by Minnesota Statutes, Section 13D.04 or as subsequently amended. Emergency meetings may be called in the manner provided by Minnesota Statutes, Section 13D.04 or as subsequently amended. Such notice shall be delivered personally to each member or shall be left at his/her usual place of residence with some responsible person. Any person or organization may file a written request with the City Clerk asking that they be given notice of any special meeting. Notice shall be published, posted, or mailed in the manner prescribed by state 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.

SECTION 3.02 COUNCIL MEETING OFFICERS (Amended by Ordinance #2006-1066 Effect. 3/7/07)

The Council shall choose such officers and employees as may be necessary to serve at its meetings. The City Clerk or designee shall act as 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.

SECTION 3.03 RULES OF PROCEDURE AND QUORUM

The Council shall determine its own rules and order of business. Four members of the Council in session shall constitute a quorum to do business. 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 (Amended by Ordinance #1972-126A Effect. 12/20/72; Ordinance #2005-1035 Effect. 08/10/05; Ordinance #2006-1066 Effect. 3/7/07)

All legislation shall be by ordinance. Every ordinance shall be presented in writing and read in full at a Council meeting, except those adopted by the Council by reference to Minnesota State Statutes or Codes approved by a recognized national or regional authority. A full reading of any ordinance or resolution may be dispensed with by unanimous consent of the Council. All administrative business may be transacted by ordinary motion. Upon the vote on ordinances, motions and resolutions, the ayes and nays shall be recorded unless the vote is declared unanimous. Four members of the Council voting aye is required for the passage of all ordinances, resolutions and motions except as otherwise provided in this Charter or by statute. Any member of the Council who, being present when his/her name is called, fails to vote upon any of the pending ordinances,

resolutions and motions shall be counted as having voted in the negative except as provided in Section 14.03 of this Charter or unless the council member affirmatively states that he or she is abstaining from voting.

SECTION 3.05 PROCEDURE ON ORDINANCES

The enacting clause of all ordinances passed by the Council shall be in the words, "The City of Brooklyn Park does ordain." Every ordinance other than an emergency ordinance shall have two (2) public readings, except as noted in 3.04 above, and at least six (6) days shall elapse between the first reading and the second reading. All legislation prescribing a penalty shall be enacted in the form of an ordinance.

SECTION 3.06 EMERGENCY ORDINANCES (Amended by Ordinance #1972-127A Effect. 12/20/72)

An emergency ordinance is one 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 attached thereto and adopted by a unanimous vote of the Council Members present. No prosecution shall be based upon the provisions of any emergency ordinance until 24 hours after the ordinance has been published unless the person charged with violation had actual knowledge of the passage of the ordinance prior to the act or omission complained of. Every emergency ordinance shall automatically stand repealed as of the 30th day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists.

SECTION 3.07 SIGNING AND PUBLICATION OF ORDINANCES AND MINUTES (Amended by Ordinance #1972-105A Effect. 8/16/72; Ordinance #1982-394A Effect. 11/5/82; Ordinance #2000-941 Effect. 3/6/01; Ordinance #2003-1001 Effect. 11/28/03)

Every ordinance passed by the Council shall be signed by the Mayor or Mayor Pro-Tem, and attested to by the City Clerk upon passage thereof and shall be filed, maintained and preserved by the City Clerk. The full text of every ordinance passed by the Council shall be published once in the official newspaper of the city or, if the Council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may direct that only the title of the ordinance and a summary be published with notice that a full printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Clerk. 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 the effect of the ordinance. The publication of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. The city shall not be required to publish the minutes or a summary of the actions in the official newspaper but shall mail, at city expense, a copy of the proceedings to any resident upon request.

SECTION 3.08 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 is fixed therein. Every other ordinance shall take effect thirty (30) days after

publication or at such later date as is fixed therein. 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.

SECTION 3.09 AMENDMENT AND REPEAL OF ORDINANCES

No ordinance or section thereof shall be amended or repealed except by ordinance. Every repealing ordinance shall refer to the ordinance repealed by title, date of passage, and section number or numbers. No ordinance or section thereof shall be amended by reference to its title alone, and such amending ordinance shall set forth in full each section or subsection as amended.

SECTION 3.10 INCORPORATION OF STATUTES, RULES, REGULATIONS AND CODES BY REFERENCE

The Council may incorporate in an ordinance by reference any statutes of the State of Minnesota, any administrative rule or regulations of any department of the State of Minnesota affecting the city, or any compilation of regulations or standards, any published code, specifications, regulation, or part thereof, prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety or welfare. Three copies of standards and regulations referred to shall be marked as "Official Copy" and filed in the office of the City Clerk. The publication requirements of this Charter shall be fully satisfied in such cases by this method as if the said material had been set forth in the ordinance in full.

SECTION 3.11 REVISION AND CODIFICATION OF ORDINANCES (Amended by Ordinance #2009-1102 Effect. 10/30/09)

The ordinances of the city shall within two (2) years from the adoption of this Charter, and at intervals thereafter of not more than five (5) years, be revised, rearranged, and codified with such additions and deletions as may be deemed necessary by the Council. Such codification shall be published in book or continuously revised loose-leaf form, electronic format and entire copies or portions thereof made available by the Council, at the office of the City Clerk for general distribution to the public at a reasonable charge. Such publication shall be a sufficient publication of all of the ordinances contained therein. Notice that copies of the revision and codification of ordinances are available at the office of the City Clerk shall be published in the official newspaper for at least two (2) successive weeks. Every book shall contain a printed certificate of the Mayor, attested to by the City Clerk, that the publication is correct and such book so published shall be received in evidence in all courts for the purpose of providing the ordinances therein contained, the same as though the original ordinances were produced in court.

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 (Amended by Ordinance #1986-537A Effect. 11/28/86)

A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year commencing in 1988 at such time, place or places as the City Council may designate by resolution. The Council may divide the city into as many voting precincts as it may from time to time deem necessary. Each district shall constitute at least one voting precinct and no precinct shall be in more than one district. At least fifteen (15) days notice shall be given by the City Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one public place in each voting precinct and by publishing a notice thereof at least once in the official news paper of the city. Uncontrollable circumstances causing failure to give such notice shall not invalidate such election.

The transition from regular elections being held each year to holding elections each two years to coincide with regular state and national elections shall be as follows:

Regular elections shall be held in 1986 and 1987 and the terms shall be as set forth in the transition schedule of Section 2.03. Commencing in 1988, the regular municipal election shall be held in each even numbered year on the same date, the same time, and at the same places as the regular state and national election.

SECTION 4.03 PRIMARY MUNICIPAL ELECTIONS

The Council shall, whenever there are more than two candidates filing for any city-wide office or for resident Council member of any district, provide through ordinance or resolution for a primary election to be held city wide or in any particular district, 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 election, and of the officers to be elected, by posting a notice thereof in at least one public place in each district where the election is held, and by publishing a notice thereof at least once in the official newspaper of the city. Uncontrollable circumstances causing failure to give such notice shall not invalidate such election.

SECTION 4.04 SPECIAL ELECTIONS

The Council may by resolution order a special election and provide all means for holding such special election, provided that there be published notice of said election given in three (3)

consecutive weekly issues of the official newspaper of the city, prior to the day of said election. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

SECTION 4.05 JUDGES OF ELECTION

The Council shall at least twenty-five (25) days before each municipal election appoint qualified voters for each voting precinct to be judges of election therein as provided by state statute.

SECTION 4.06 NOMINATIONS BY PETITION (Amended by Ordinance #1995-782 Effect. 8/15/95; Ordinance #2000-941 Effect. 3/6/01; Ordinance #2007-1073 Effect. 10/30/07)

All elective officers provided for by this Charter shall be nominated by petition. The name of any qualified voter of the city shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in his behalf with the City Clerk. Such petition shall contain printed names and signatures of at least twenty-five (25) registered voters, qualified to vote for the office in question. No qualified voter shall sign petitions for more candidates for any office than the number of persons to be chosen for that office at the election; should he/she do so, his/her signatures shall be void as to the petition or petitions last filed. All nominations shall be in the hands of the City Clerk by the end of the filing period. A nominating petition for a candidate who will be out of the state during the filing period to submit an affidavit of candidacy along with filing fees and any required petitions may do so during the seven days prior to the candidate's absence. The Clerk shall prepare the ballots with the names of the candidates for an office in a manner to be provided by ordinance. Each petition, when presented, must be accompanied by a \$25 filing fee which is non-refundable. (Sample Forms are available at the City Clerk's Office)

SECTION 4.07 NOMINATION PETITIONS (Amended by Ordinance #2000-941 Effect. 3/6/01; Ordinance #2007-1073 Effect. 10/30/07)

Petitions for the nomination of candidates for elective office shall be in writing, signed by the petitioning voters, with the street and number, if there be such, of their respective residences. Each petition may consist of one or more papers, and the signatures need not all be on the same paper. Each page of the nomination petition shall be in substantially the following form: (Sample Forms are available at the City Clerk's Office)

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

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

_____, being duly sworn, deposes and says that he/she circulated the foregoing petition containing _____ signatures, and that the signatures appended thereto were made in his/her

presence and are the signatures of the persons whose names they purport to be and that such persons signed the petition of their own free will.

(Circulator)

Subscribed and sworn to before me
this _____ day of _____ 20__

Notary Public

This petition, if found insufficient, shall be returned to _____
at _____.

There must also be filed in the office of the City Clerk by the end of the filing period a written statement signed by the person nominated in a nomination petition, indicating his/her willingness to accept the office for which he/she is nominated, which statement should be in substantially the following form:

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

(Signature of Candidate) (Date)

SECTION 4.08 WITHDRAWAL OF CANDIDATE (Amended by Ordinance #2000-941 Effect. 3/6/01)

Any person who has been nominated for election to office under this Charter may, not later than 5:00 p.m. two days after the last day for filing nomination petitions, cause his/her name to be withdrawn from nomination by filing with the City Clerk a written request for withdrawal, and no name so withdrawn shall be printed upon the ballot.

SECTION 4.09 ELECTIONS AND TAKING OF OFFICE (Amended by Ordinance #2000-941 Effect. 3/6/01; Ordinance #2006-1066 Effect. 3/7/07)

The Council shall meet and canvass the election returns within seven days after any regular or special election, and shall make full declaration of the results as soon as possible and file a statement thereof with the City Clerk, and said statement shall be made a part of the minutes. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the vote for each candidate with a declaration of those who are elected; (d) a true copy of the ballots used; (e) the names of the judges of election; (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected to the fact of their election, and the persons elected shall take office at the time provided by Section 3.01 upon taking, subscribing and filing with the City Clerk the required oath of office and a "Statement of Economic Interest" form as prescribed in Sections 14.02 and 14.03.

CHAPTER 5

RECALL OF ELECTIVE OFFICERS

SECTION 5.01 ELECTORS MAY REMOVE

The holder of any elective office in the City of Brooklyn Park may be removed for malfeasance or nonfeasance in the performance of their duties by a majority of the voters as follows:

SECTION 5.02 PETITION (Amended by Ordinance #2006-1066 Effect. 3/7/07)

Registered voters equal in number to twenty-five (25) percent of the total number of registered voters in the city in case of the Mayor and twenty-five (25) percent of the total number of registered voters in a district in case of a Council member may file with the City Clerk their petition asking for the removal of any elective officer, and for the election of a successor to such officer. Such petition shall be in writing, and signed by said voters, with the street and number, if there be such, of their respective residence. It may consist of one or more petition pages, and such signatures need not all be on the same petition page. The petition shall contain a specific statement in not more than two hundred (200) words of the grounds upon which removal is sought, which shall be alike in all such petition pages. Said petition shall be accompanied by the affidavit of one of the signers of each of the petition pages constituting the same to the effect that the statements made in the petition page on which his/her name appears are true to the best of his/her knowledge and belief, and that each and every signature is the genuine signature of the person it purports to be, and was signed by such person; provided, however, that no such petition shall be made and filed against any officer until he/she has actually held his/her office for at least three months.

SECTION 5.03 EXPENDITURES BY PETITIONERS

No member of any 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 services rendered in connection with the circulation. This shall not prevent the committee from paying for legal advice and from incurring nominal expenses as set forth by ordinance, for stationery, copying, printing, and notarial fees. Any violation of this section is a misdemeanor.

SECTION 5.04 PROCEEDINGS ON CONDITION (Amended by Ordinance #2006-1066 Effect. 3/7/07)

Within ten days from the date of filing of such petition, the City Clerk shall ascertain from the voters' register of the city whether or not said petition is signed by the requisite number of registered voters; and he/she shall attach to said petition on his/her certificate showing the result of said examination. If, by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended so that it is in compliance with this Section within 14 days from the date on which it is returned to the Recall Committee. The City Clerk shall, within ten days after receiving such amendment, make a like examination of the amended petition. If the certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, to the filing of a new petition to the same effect. If the petition is deemed sufficient, the City Clerk shall submit the same to the Council within 14 days, and thereupon the Council shall order and fix a date for holding

the said election not less than thirty (30) days, nor more than forty-five (45) days, from the date of the Clerk's certificate to the Council that a sufficient petition has been filed.

SECTION 5.05 CAUSE OF RECALL - OFFICERS JUSTIFICATION (Amended by Ordinance #2006-1066 Effect. 3/7/07)

In the notice for special election (Recall), there shall be stated in not more than two hundred (200) words, as contained in the petition, the reason for demanding a recall of the officer. In said notice, in not more than two hundred (200) words, the officer may justify his/her course in office. The petition will need to contain allegations of malfeasance or nonfeasance in order to be valid.

SECTION 5.06 ELECTION UNDER RECALL - NOTICE OF ELECTION

Unless the officer whose removal is sought resigns within ten (10) days after receipt by the Council of the completed recall petition, the Council shall immediately order a special election in accordance with the special election provisions of this Charter (Section 4.04). The form of the ballot at such election shall be as follows:

"Shall _____ Be Recalled?" The name of the officer of whom recall is being sought is to be inserted in the blank, and the registered voters shall be permitted to vote separately "Yes" or "No" upon this question.

The ballot shall contain the reason for demanding the recall of the officer plus the officer's justification of his/her course in office as they appeared on the recall petition and notice for special election.

In the event that a majority of the voters vote in the affirmative on this question, a vacancy in such office the subject of the recall, shall be declared vacant, and the office shall be filled as stated in Section 2.06.

SECTION 5.07 INCAPACITY OF RECALLED OFFICERS (Amended by Ordinance #2006-1066 Effect. 3/7/07)

No person who has been recalled from office, or who has resigned from such office while recall proceedings were pending against him/her, shall be eligible to any elected office of the city within one year after said recall or resignation.

CHAPTER 6

INITIATIVE AND REFERENDUM

SECTION 6.01 POWERS RESERVED BY THE PEOPLE (Amended by an Election held 11-7-00)

The people of the City of Brooklyn Park reserve to themselves the powers, in accordance with the provisions of this Charter, to (1) initiate and adopt any ordinance, except an ordinance relating to the budget or capital programs, the appropriation of money, the levy of taxes, the issuance of bonds, the salaries of city officials or employees, or the zoning of land (“Initiative”); and (2) require any ordinance when passed by the Council except an ordinance relating to the budget or capital programs, the appropriation of money, the levy of taxes, the issuance of bonds, the salaries of city officials or employees, or the zoning of land to be referred to the registered voters for approval or disapproval (“Referendum”). Sections 6.03 through 6.09 govern the Initiative process. Sections 6.10 through 6.14 govern the Referendum process.

SECTION 6.02 EXPENDITURES BY PETITIONERS (Amended by an Election held 11-7-00)

No member of any initiative or referendum 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 this circulation. This shall not prevent the committee from paying for legal advice and from incurring nominal expenses as set forth by ordinance. Any violation of this provision is a misdemeanor.

INITIATIVE (This section added by an Election held 11-7-00)

To initiate and adopt any ordinance, except an ordinance relating to the budget or capital programs, the appropriation of money, the levy of taxes, the issuance of bonds, the salaries of city officials or employees, or the zoning of land. Sections 6.03 through 6.09 govern the Initiative process.

SECTION 6.03 INITIATION OF MEASURES (Amended by an Election held 11-7-00; Ordinance #2007-1073 Effect. 10/30/07)

Any five registered voters may form themselves into a sponsoring committee for the initiation of any ordinance except an ordinance relating to the budget or capital programs, the appropriation of money, the levy of taxes, the issuance of bonds, the salaries of city officials or employees, or the zoning of land. Before circulating any petition the committee shall file a certified copy of its proposed ordinance with the City Clerk together with the names and addresses of the committee members. The committee shall also attach a copy of the certified proposed ordinance to each of the signature papers, together with the committee member’s names and addresses as sponsors. Within 10 working days the City Attorney shall ascertain whether the proposed ordinance properly constitutes an initiative. If the City Attorney finds the petition improper, he/she shall notify one or more of the sponsoring committee of that fact, certifying the reasons for his/her findings. (Sample Forms are available at the City Clerk’s Office)

SECTION 6.04 FORM OF PETITION AND SIGNATURE PAPERS (Amended by an Election held 11-7-00; Ordinance #2007-1073 Effect. 10/30/07)

The petition for the adoption of any ordinance shall consist of the ordinance, together with all the

signature papers and affidavits attached. Such petition shall not be complete unless signed by a number of registered voters in the City of Brooklyn Park equal to at least **15 percent**, of the total number of votes cast in the City of Brooklyn Park at the last Gubernatorial election. All the signatures need not be on one signature paper, but the circulator of every signature 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: (Sample Forms are available at the City Clerk's Office)

INITIATIVE

PETITION

Proposing an ordinance to _____ (stating the purpose of the ordinance), a certified copy of which is attached. The following committee of registered voters sponsors this proposed ordinance:

	Name (Legal Signature)	Name Printed	Address	Date
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

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

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

(The affidavit of the person circulating the petition must be attached at the end of the list of signatures.)

SECTION 6.05 FILING OF PETITION AND ACTION TAKEN (Amended by an Election held 11-7-00)

All the signature papers shall be filed in the office of the City Clerk as one instrument. Within ten working days after the filing of that petition, the City Clerk shall ascertain by examination, the number of the City's registered voters whose signatures are attached and whether this number is at least **15 percent** of the total number of votes cast in the City of Brooklyn Park at the last Gubernatorial election. If he/she finds the petition insufficient, he/she shall at once notify one or more of the sponsoring committee of that fact, certifying the reasons for his/her finding.

The committee shall then be given up to thirty days in which to file additional signature papers and to correct the petition in all other particulars. Upon receipt of the corrected petition, the City Clerk will then have up to ten working days to ascertain its validity, and the petitioners can no longer correct errors. If at the end of that period the petition is found to be still insufficient or irregular, the Clerk shall file it in his/her 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 voters at the next regular or special election.

SECTION 6.06 ACTION OF COUNCIL (Amended by an Election held 11-7-00)

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 votes cast in the City at the last Gubernatorial election. The Council shall at once read the ordinance and may refer it to an appropriate committee. The committee or Council shall provide for public hearings on the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty (60) 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, the proposed ordinance shall be submitted by the Council to a vote at a municipal election. The Council shall not pass an amended or revised version of the proposed ordinance that is unsatisfactory to the sponsoring committee.

A special election shall be held not less than thirty (30) nor more than forty-five (45) days from date of final action on the ordinance by the Council, but if a regular election is to occur within three (3) months after the date upon which it was submitted to the Council by the City Clerk, the Council shall submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths of the sponsoring committee do not express their dissatisfaction with such amended form by a statement filed with the City Clerk, within ten (10) days of the passage by the Council, the ordinance need not be submitted to the voters.

SECTION 6.07 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 votes on any such ordinance are in favor of it, it shall then 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.

SECTION 6.08 AMENDMENT OR REPEAL

Any ordinance adopted by the vote of the people cannot be repealed or amended except by the vote of the people or by the unanimous vote of all members of the Council. No such vote of the Council shall be taken until after the next regular municipal election.

SECTION 6.09 INITIATION OF CHARTER AMENDMENTS (Amended by an Election held 11-7-00)

Nothing in this Charter shall be construed in any way affecting the right of the registered voters to propose amendments to this Charter as provided in the Constitution and Statutes of the State of Minnesota.

REFERENDUM (This section added by an Election held 11-7-00)

To require any ordinance when passed by the Council to be referred to the registered voters for approval or disapproval. Sections 6.10 through 6.14 govern the Referendum process.

SECTION 6.10 THE REFERENDUM (Amended by an Election held 11-7-00)

If prior to the date when an ordinance takes effect, a petition signed by 15 percent of the total number of votes cast in the City of Brooklyn Park at the last Gubernatorial election is filed with the City Clerk requesting that any such ordinance be repealed or submitted to a vote of the registered voters, the ordinance shall be prevented from going into operation. The Council shall reconsider the ordinance at its next regular meeting, and by majority vote either repeal or affirm the ordinance as passed. If the ordinance is affirmed, the Council shall immediately order a special election to be held, or submit the ordinance at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the voters favor the ordinance, it shall go into effect immediately or on the date specified.

SECTION 6.11 REFERENDUM PETITION (Amended by an Election held 11-7-00; Ordinance #2007-1073 Effect. 10/30/07)

Any five registered voters may form themselves into a sponsoring committee for the repeal of any ordinance except an ordinance relating to the budget or capital programs, the appropriation of money, the levy of taxes, the issuance of bonds, the salaries of city officials or employees, or the zoning of land. Before circulating any petition the committee shall file a certified copy of the ordinance suggested to be repealed with the City Clerk together with the names and addresses of the committee members. The committee shall also attach a copy of the certified ordinance to each of the signature papers, together with the committee member's names and addresses as sponsors. (Sample Forms are available at the City Clerk's Office)

SECTION 6.12 FORM OF PETITION AND SIGNATURE PAPERS (Amended by an Election held 11-7-00; Ordinance #2007-1073 Effect. 10/30/07)

The petition for the repeal of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits attached. Such petition shall not be complete unless signed by a number of registered voters in the City equal to at least 15 percent of the total number of votes cast in the City at the last Gubernatorial election. All the signatures need not be on one signature paper, but the circulator of every signature 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: (Sample Forms are available at the City Clerk's Office)

REFERENDUM

PETITION

Proposing the repeal of an ordinance to _____ (stating the purpose of the ordinance) a certified copy of which is attached. The following committee of registered voters sponsors this proposed repeal:

	Name (Legal Signature)	Name Printed	Address	Date
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

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

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

(The affidavit of the person circulating the petition must be attached at the end of the list of signatures.)

SECTION 6.13 FILING OF PETITION AND ACTION TAKEN (This section added by an Election held 11-7-00)

All the signature papers shall be filed in the office of the City Clerk as one instrument. Within ten working days after the filing of that petition, the City Clerk shall ascertain by examination, the number of the City's registered voters whose signatures are attached and whether this number is at least 15 percent of the total number of votes cast in the City of Brooklyn Park at the last Gubernatorial election. If he/she finds the petition insufficient he/she shall at once notify one or more of the sponsoring committee of that fact, certifying the reasons for his/her finding.

The committee shall then be given up to thirty days in which to file additional signature papers and to correct the petition in all other particulars. Upon receipt of the corrected petition, the City Clerk will then have up to ten working days to ascertain its validity, and the petitioners can no longer correct errors. If at the end of that period the petition is found to be still insufficient or irregular, the Clerk shall file it in his/her 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 voters at the next regular or special election.

SECTION 6.14 REFERENDUM BALLOTS (This section added by an Election held 11-7-00)

The ballots used when voting upon any such proposed repeal shall state the substance of the ordinance and shall give the voters the opportunity to vote either "Yes" or "No" on the question of repeal. If a majority of the votes on any such proposed repeal are in favor, it shall no longer be an ordinance of the City. Any number of proposed repealers may be voted upon at the same election, but the voter shall be allowed to vote for or against each separately.

RE: City Charter Chapter 6

DATE: December 2010

Chapter 6 - Initiative and Referendum of the City of Brooklyn Park City Charter.

Total number of votes cast for the Gubernatorial elections:

- Election held November 3, 1998 - The total number of votes cast in the City of Brooklyn Park at the last Gubernatorial election was **23,941**. Fifteen percent of this number is **3,591**.
- Election held November 5, 2002 - The total number of votes cast in the City of Brooklyn Park at the last Gubernatorial election was **26,841**. Fifteen percent of this number is **4,026**.
- Election held November 7, 2006 - The total number of votes cast in the City of Brooklyn Park at the Last Gubernatorial Election was **23,968**. Fifteen percent of this number is **3,595**.
- Election held November 2, 2010 – The total number of votes cast in the City of Brooklyn Park at the last Gubernatorial Election was **23,001**. Fifteen percent of this number is **3,450**.

ADMINISTRATION OF CITY AFFAIRS

SECTION 7.01 THE CITY MANAGER

The City Manager shall be the chief administrative officer of the city. He/she shall be appointed by the City Council entirely on the basis of appropriate and related: (1) college education, (2) training, (3) experience, and (4) executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state but he/she shall be a citizen of the United States. The City Manager shall be appointed for an indefinite period, but he/she shall be removable by the City Council at will, and the office of City Manager shall be declared vacant. However, if removed at any time after one year of service, he/she may within five (5) days after his/her removal demand written charges and a public hearing on the same by the City Council. Such public hearing shall take place within thirty (30) days after the demand for the same and the written charges shall be furnished him/her by the City Council at least ten (10) days before the hearing. At the conclusion of the hearing, the Council shall have unlimited discretion either to reinstate the Manager or make his/her removal final.

When the office of City Manager is declared vacant, the City Council shall appoint a new City Manager within 180 days. Whenever the office of City Manager is declared vacant, the City Council shall advertise for a new City Manager through appropriate local and national publications and agencies. During any absence or disability of the City Manager, the City Council shall appoint an Acting Manager, properly qualified and capable to perform the duties of City Manager.

SECTION 7.02 POWERS AND DUTIES OF THE CITY MANAGER (Amended by Ordinance #1971-35A Effect. 2/17/72; Ordinance #1980-329A Effect. 10/10/80; Ordinance #1986-518A Effect. 5/20/86; Ordinance #1989-631A Effect. 2/2/90; Ordinance #2000-941 Effect. 3/6/01; Ordinance #2006-1053 Effect. 4/26/06)

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. He/she shall have the powers and duties set forth in the following divisions:

- (1) He/she shall see that this Charter and laws, ordinances, and resolutions of the city are enforced.
- (2) He/she shall appoint, upon the basis of qualification and experience and may 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. Appointment or removal of the City Clerk, the Director of Finance, and all department heads shall be made final only upon approval of the City Council.
- (3) He/she shall direct and supervise the administration of all departments, offices, and agencies of the city administration created by this Charter or hereafter created by the Council.
- (4) He/she shall attend all meetings of the Council, with the right to take part in the discussion but not to vote.

- (5) He/she shall recommend to the Council such measures as he/she may deem necessary for the welfare of the people and efficient administration of the city's affairs.
- (6) He/she shall keep the Council fully advised as to the financial condition and needs of the city, and he/she shall prepare and submit to the Council in accordance with this Charter the City Population Report, the annual budget, a capital budget, a capital long range improvement program, which he shall review and update annually, annual report of finances and administrative activities of the city, and any other reports as prescribed by this Charter or by the City Council. The Manager's City Population Report shall also be submitted to the Charter Commission by the first day of March of each odd-numbered year.
- (7) He/she shall prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure, and he/she shall at least annually review such code and suggest amendments as deemed necessary.
- (8) He/she shall perform such other duties as may be prescribed by this Charter or by law or required of him/her by ordinances or resolutions adopted by the Council.

SECTION 7.03 DEPARTMENTS OF ADMINISTRATION

The City Council may create such departments, divisions, and bureaus for the administration of the city's affairs as it deems necessary, and from time to time alter their powers and organization. It shall have the City Manager prepare a complete administrative code for the city and shall enact it in the form of an ordinance, which may be amended from time to time by ordinance.

SECTION 7.04 SUBORDINATE OFFICERS (Amended by Ordinance #1980-329A Effect. 10/10/80; Ordinance #2000-941 Effect. 3/6/01; Ordinance #2005-1035 Effect. 08/10/05; Ordinance #2006-1053 Effect. 4/26/06; Ordinance #2006-1066 Effect. 3/7/07)

There shall be a City Clerk, a Director of Finance, and a Director of Public Works subordinate to the City Manager. There shall be such other department heads and other positions subordinate to the City Manager as the Council may create by ordinance. Such ordinance shall define the qualifications of each subordinate to the City Manager. Qualifications for the office of an Assistant City Manager or any assistant department head shall be as similar as practicable to that of the City Manager or respective department head. The City Clerk shall be subject to the direction of the City Manager, and shall have duties in connection with the keeping of the public records and such other duties as may be assigned by the City Manager or by the provisions of this Charter. The Director of Finance shall have such duties in connection with the receipt, disbursement and custody of public funds as may be assigned by the City Manager and other provisions of this Charter. The provisions of this Charter shall not be construed so as to prevent the combining of the offices of City Clerk and Director of Finance.

The City Council may by ordinance abolish offices which have been created by ordinance, and may combine the duties of various offices as it may see fit.

SECTION 7.05 PURCHASES AND CONTRACTS (Amended by Ordinance #1975-193A Effect. 8/28/75; Amended by Election held 11/8/94 Effect. 12/8/94.

The City Manager shall be the chief purchasing agent of the City, and the City Manager may make or let contracts for the purchase of merchandise, materials or equipment or any kind of construction work in the manner provided by state law for cities of its class. Said purchases or contracts may be made or let by the City Manager after first obtaining the approval of the City Council. The City Council shall establish a Purchasing Manual for purchasing and awarding contracts and for requesting proposals for goods or services not covered or required to be purchased by competitive bids under state law. The Purchasing Manual shall be drafted under the direction of the City Manager and subject to the approval of the City Council. Any changes to the Purchasing Manual shall be approved by the City Council. The Purchasing Manual shall contain defined procedures to assure that purchases are made in a competitive manner.

All other purchases shall be made and all other contracts let by the Council after the recommendation of the City Manager has first been obtained. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Manager on behalf of the City and shall be executed in the name of the City.

SECTION 7.06 CONTRACTS: HOW LET (Amended by Ordinance #1975-193(A) Effect. 11/26/75; Ordinance #1999-908 Effect. 1/20/2000)

Every contract for the purchase of merchandise, materials or equipment, or for any kind of construction work for cities of the second class, shall be let only by the Council upon the recommendation of the City Manager to lowest responsible bidder. Unless the Council shall by an emergency ordinance otherwise provide, the City Manager shall advertise for bids by at least one week's published notice in the official legal newspaper of the city on all such contracts as provided by statute. The Council may, however, reject any and all bids. Subject to the provisions of this Charter, the Council may by ordinance adopt further regulations for the making of such bids and the letting of contracts.

SECTION 7.07 PUBLIC PURPOSE EXPENDITURES (Added by Ordinance #2002-980 Effect. 12/17/02; Amended by Ordinance #2005-1037 Effect. 8/31/05)

The City Council shall establish a Public Purpose Expenditure Policy, which shall be drafted by the City Manager and reviewed and approved by the City Council annually. In establishing, reviewing, and approving the Policy, the City Council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and, 3) primarily benefit the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the City Council shall consider the opinion of the City Attorney and statewide sources of authority, which may include judicial determinations, state Attorney General opinions, and findings of the Office of the State Auditor.

The City Council may provide in the Public Purpose Expenditure Policy that public funds may be expended to establish, implement, and operate an employee recognition program and an employee

preventive health and wellness program for city employees. The nature and scope of any such programs must be set forth in the Public Purpose Expenditure Policy.

SECTION 7.08 CITY ATTORNEY (Added by Ordinance #2006-1053 Effect. 04/26/06)

There shall be a city attorney whose qualifications shall be determined by the City Council and whose appointment and removal shall be at the discretion of the City Council.

TAXATION AND FINANCES

SECTION 8.01 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 revenue and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public monies, and in the exercise of sound discretion shall make appropriations for the payment of all liabilities and expenses.

SECTION 8.02 FISCAL YEAR

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

SECTION 8.03 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.

SECTION 8.04 BOARD OF APPEAL AND EQUALIZATION (Amended by Ordinance #1976-217A Effect. 5/18/76; #1999-893 Effect. 5/3/99; #2002-979 Effect. 11/19/02)

The Council shall constitute a Board of Appeal and Equalization to equalize assessment of property for taxation purposes according to law.

The Board of Appeal and Equalization must hold at least one (1) public meeting annually between April 1 and May 31. This meeting to be for the purpose of explanation of taxation and assessment procedure and policy to the general public.

Notice of this meeting shall be given in at least two (2) publications of the official paper, the first of which must be two (2) weeks prior to the meeting. The meeting shall be so conducted as to give interested citizens a reasonable opportunity to be heard.

The Council shall evaluate this information when it sits as a Board of Appeal and Equalization.

SECTION 8.05 ANNUAL BUDGET (Amended by Ordinance #1994-758 Effect. 9/5/94; #1999-909 Effect. 01/20/00)

The Manager shall prepare and submit to the Council at its first regular meeting in September of each year the estimates for the annual budget. Such estimates of expenditures shall be arranged for each department or division of the city as may by direction of the Council be required. All increases and decreases of amounts shown on the previous two (2) years' budgets shall be clearly shown. In parallel columns shall be shown the amounts granted and the amounts expended under similar headings for the past two fiscal years, including all salaries and wages, and so far as possible for the current year. In addition to the estimates of expenditures, the estimates shall include a statement of the revenues which have accrued for the past two completed fiscal years with the amounts collected

and the uncollected balances, together with the same information so far as possible for the current fiscal year, and an estimate of the revenue of the ensuing fiscal year.

The Manager shall include in the annual budget an estimate of M.S.A. Road Funds to be received and the proposed use of those funds.

After the submission of said estimates to the Council, the Council shall carefully consider the same and make such changes as appear to be in the best interests of the city, and thereafter further proceedings shall be had thereon in accordance with other provisions of this Charter pertaining to ordinances and State law, but the final adoption of the budget shall be by resolution which shall be adopted not later than the date prescribed by State law.

Said annual budget as finally adopted shall set forth in detail the complete financial projection of the city for the ensuing fiscal year. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, and shall indicate the fund for which said sums are to be raised and from which said sums are to be disbursed.

SECTION 8.06 PASSAGE OF THE BUDGET (Amended by Ordinance #1999-758 Effect. 9/5/94; #1999-909 Effect. 01/20/00)

Prior to the adoption of the budget and in accordance with State law, notice shall be given in the official city newspaper stating the time and place at which the budget will be considered and that copies are on file in the City Hall for public inspection. The preliminary budget shall be presented at the first regular monthly meeting of the Council in September and the Council shall hold adjourned meetings from time to time until all the estimates have been considered.

The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The City Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the ensuing fiscal year for the funds budgeted and shall be signed by the majority of the Council when adopted. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purposes according to Section 8.05. The total sum appropriated shall not exceed the total estimated revenue plus any accumulative surplus of prior years, assigned to the budget. The Council shall adopt the budget not later than the date established by State law by a resolution which shall set forth the total for each budgeted fund. The Council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the County Auditor in accordance with State law. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget.

SECTION 8.07 ENFORCEMENT OF THE BUDGET (Amended by Ordinance #1999-909 Effect. 01-20-00; #2008-1094 Effect. 2/27/09)

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 Finance Director 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 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.

SECTION 8.08 ALTERATIONS IN THE BUDGET (Amended by Ordinance #1999-909 Effect. 01-20-00)

After the budget resolution has been adopted, the Council may increase the amounts fixed in the budget resolution, by the insertion of new or amended appropriations to be funded by new estimated revenues. The Council may at any time, by resolution approved by a majority of all members, reduce the sums appropriated for any purpose by the budget resolution, or by a vote of five members, authorize the transfer of sums from unencumbered balances of appropriations in the budget resolution to other purposes.

SECTION 8.09 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 five members of the Council and shall be used only for emergency purposes designated by the Council.

SECTION 8.10 DISBURSEMENTS, HOW MADE (Amended by Ordinance #1999-909 Effect. 01/20/00; #2008-1094 Effect. 2/27/09)

No disbursement of city funds shall be made unless authorized by the City Manager and Finance Director. Disbursements must specify the fund from which it is made. No disbursement shall be made until the claim to which it relates has been supported by an itemized bill, payroll, or timesheet approved and signed by the responsible city officer 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.

SECTION 8.11 FUNDS TO BE KEPT (Amended by Ordinance #1999-909 Effect. 01/20/00; #2008-1094 Effect. 2/27/09)

There shall be maintained in the City Treasury the following funds:

- (A) A General Fund for the payment of such expenses of the city as the Council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund.
- (B) Debt Service Funds, into which shall be paid all receipts from taxes or other sources for the payment of principal and interest of all obligations issued by the city except bonds issued on account of any municipally owned enterprises. Out of this fund shall be paid the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the Council in such securities as are authorized by statute for the investment of such funds; and such investments may be liquidated at any time.

- (C) Capital Projects Funds, into which shall be paid and disbursed the proceeds of all bonds issued by the City except bonds issued on account of any municipally owned enterprises. A separate bond account shall be kept for each issue of such bonds.
- (D) A Special Assessment Fund, which shall be used to finance local improvements that are to be paid for, in whole or in part, from special assessments against benefitted property. There shall be paid into this fund:
- (1) Collections of special assessments, with interest, levied against benefitted property; (2) Proceeds of bonds or notes sold by the city in anticipation of assessment collections; and the proceeds of inter-fund loans; (3) Amounts from other city funds representing either a) apportionments of costs against the city at-large, b) benefit assessments against city property, or c) appropriations to maintain the integrity of the fund. There shall be paid out of this fund: (1) All expenses and costs of the improvement projects that are financed through the fund; (2) Transfers to other funds of any unencumbered surplus of the fund in the discretion of the Council; and (3) Abatements of assessments and refunds of receipts in error. The Council shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition may by ordinance create and maintain in the fund a cash reserve sufficient for working capital purposes. In order to anticipate the collection of special assessments, the Council may by a majority vote issue and sell bonds and notes, pledging the full faith and credit of the city, or pledging only special assessments in such amounts and maturities as it may determine providing that the aggregate amount of such bonds and notes outstanding at any time shall not exceed the sum of the following: (1) All assessments levied and uncollected; (2) Assessable cost of work in progress; and (3) The cash reserve for working capital as previously determined by ordinance. In order that the fund may be administered on a self-sustaining basis, all improvement projects financed through it shall, upon completion, be certified by the City Manager as to total cost, which shall thereupon be apportioned by the Council either as assessments against benefitted property or as amounts due from other city funds or other funding sources. Amounts apportioned against other city funds shall be due not later than the dates of adoption of the corresponding assessment rolls, shall be charged interest as in the case of assessments and shall be paid into the fund, with any interest due, not later than one year after the due dates.
- (E) Enterprise Funds into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned enterprises and all money derived from the sale of services, and from the sale of any property acquired for or used in connection with any such enterprises. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such enterprises, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts within the Public Utility Fund shall be kept for all utilities which are operated separately.

In addition to the foregoing funds, there may be maintained in the City Treasury, whenever the

Council deems it advisable, the following funds:

- (F) Internal Service Funds, for financing self-sustaining activities not accounted for through other funds.
- (G) A Trust and Agency Fund, for the care and disbursement of money received and held by the city as trustee or custodian or in the capacity of an agent for individuals or other governmental units.
- (H) Such other funds as may be required by statute or ordinance.

In lieu of establishing any of the three foregoing types of funds, (F), (G), and (H), the Council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The Council shall have full power to make by duly adopted ordinance such inter-fund loans, except from funds held under subsection (G) hereof, as it may deem necessary and appropriate from time to time.

SECTION 8.12 ACCOUNTS AND REPORTS (Amended by Ordinance #1994-759 Effect. 9/5/94; #1999-909 Effect. 01-20-00; #2008-1094 Effect 2/27/09)

The City Manager shall be the chief accounting officer of the city and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter, and the ordinances in accord with it. The City Manager shall submit to the Council a statement each quarter showing the amount of money in the custody of the Finance Director, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each, and such other information relative to the finances of the city as the Council may require.

Once each year, on or before March 15, the City Manager shall submit a report containing preliminary financial results of all city funds for the prior year. The Council may at any time, and shall annually, provide for an audit of the city finances by a certified public accountant or by the department of the State authorized to make examinations of the affairs of the municipalities. On or before the first day of June in each year, the City Manager shall prepare and submit to the Council an audited Comprehensive Annual Financial Report covering all City funds for the prior year. The Comprehensive Annual Financial Report shall be prepared according to generally accepted accounting principles and shall be submitted to the Council on or before the date prescribed by State law for this report to be submitted to the State of Minnesota. The Comprehensive Annual Financial Report or a summary thereof shall be published in the official newspaper on or before July 30 of each year.

SECTION 8.13 RECEIPTS TO GO TO FINANCE DIRECTOR (Amended by Ordinance #1980-329A Effect. 10/10/80; #2008-1094 Effect. 2/27/09)

All receipts of money belonging to the city, or any branch thereof, excepting only those funds collected by the County Treasurer, shall be paid to the Finance Director by the person authorized to receive the same. All such monies and also all monies received upon tax settlements from the County Treasurer, shall be deposited as soon as possible in a bank or banks approved by the City

Council, subject to State laws regulating the designation of depositories for municipal funds.

SECTION 8.14 ANNUAL CAPITAL BUDGET

The City Council shall by ordinance provide for the preparation and adoption, by resolution, of an annual capital budget. No funds from whatever source derived, shall be expended for any capital improvement other than for acquisition of office or mechanical equipment, or for minor remodeling or repairs of existing structures, except in accordance with the capital budget, which may be amended as the Council may by ordinance prescribe. Sums appropriated in the capital budget must be appropriated for capital budget expenditures only and may be expended regardless of the amounts appropriated to the various budget funds of the city in accordance with this Charter.

SECTION 8.15 EMERGENCY DEBT CERTIFICATES (Amended by Ordinance #1971-36A Effect. 2/17/72)

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 two years and to bear interest at not more than the maximum limit provided by law. A tax sufficient to pay principal and interest on such certificates with the margin required by law shall be levied as required by law. The ordinance authorizing an issuance of such emergency debt certificates shall state the nature of the emergency and be approved by at least five members of the Council. It may be passed as an emergency ordinance.

SECTION 8.16 ANTICIPATION NOTES (Amended by Ordinance #1999-909 Effect. 01/20/00)

At any time after January 1, following the making of an annual tax levy, the Council may issue notes in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of notes 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 notes 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 notes are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the notes in the order of their issuance against the fund.

SECTION 8.17 CERTIFICATES OF INDEBTEDNESS FOR PURCHASE OF CERTAIN EQUIPMENT (Added by Ordinance #1978-276A Effect. 1/20/79; Amended by Ordinance #2008-1094 Effect 2/27/09)

The City Council may issue Certificates of Indebtedness within existing debt limits for the purchase of fire or police equipment or ambulance equipment or street construction or maintenance equipment. Such certificates may be sold only after adoption by at least five (5) members of the City Council of an ordinance setting forth the purpose or purposes for which said certificates are to be issued. Notwithstanding anything set forth in Section 6.10 of this Charter, if within 30 days after publication of said ordinance a petition signed by 1,000 registered voters of the city is filed with the City Clerk, said certificates shall not be issued until the proposition of their issuance has been

approved by a majority of the votes cast on the question at a regular or special election. No special election for said purpose shall be held three months prior to a general election nor within three months immediately after a general election.

Such certificates shall be payable in not more than five years and shall be issued on such terms and in such manner as the Council may determine.

At no time may the city issue or have outstanding Certificates of Indebtedness issued pursuant to this section in excess of one-tenth of one percent of the city's assessable value. At least 20% of the outstanding principal of all Certificates of Indebtedness shall mature each year. A tax levy shall be made for the payment of principal and interest on such certificates as in the case of bonds. The issuance and sale of all such certificates shall be subject to all other limitations and conditions as set forth in Minnesota Statutes, Chapter 475, and any future laws amending or supplementing the same, for the issuance of bonds by municipalities.

BONDS

SECTION 9.01 POWER TO ISSUE, LIMITATIONS (Amended by Ordinance #1999-910 Effect. 01/20/00; Ordinance #2006-1053 Effect. 4/26/06)

The bonds of the City of Brooklyn Park may be issued as provided in this section:

In addition to all the powers in respect to borrowing and with reference to the issuance of bonds and other obligations implied or specifically granted by this Charter and any amendments thereto, the City of Brooklyn Park shall have all the powers in reference to these matters granted and authorized for cities of its class by the Statutes of the State of Minnesota as now in effect and as may be hereafter amended or supplemented. The city shall have the power to issue and sell its bonds to public and private purchasers.

No bonds shall ever be issued to pay current expenses. The total net debt of the city shall not exceed the net debt limit established by State law for cities of its class.

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

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

SECTION 9.02 PROCEEDS (Amended by Ordinance #1980-329A Effect. 10/10/80; Ordinance #1999-910 Effect. 1/20/00)

After the sale of said bonds according to law and the payment therefor to the Director of Finance of said city for the amount for which said bonds are sold, the bonds shall be executed and delivered to the purchaser thereof and the Director of Finance shall receive and hold the proceeds thereof as a separate fund or account for the purposes for which said bonds were issued. Upon retirement of the bonds any remaining balance in the fund may be transferred.

SECTION 9.03 BOND SALES (Amended by Ordinance #1993-730 Effect. 12/13/93)

The City Council shall have all the powers and responsibilities to conduct bond sales as authorized for cities of its class by the Statutes of the State of Minnesota as now in effect and as may be hereafter amended or supplemented.

SECTION 9.04 CAPITAL LONG-RANGE IMPROVEMENT COMMITTEE

Section 9.04 amended by Ordinance #1975-178(A) Effect. 4/13/75. ; Section 9.04 repealed by Ordinance #1986-518(A) Effect. 5/20/86; Section 9.04 added by an Election held 11/8/94 Effect. 12/8/94.

SECTION 9.04 CITIZEN LONG RANGE-IMPROVEMENT COMMITTEE (Amended by Ordinance #1998-866 Effect. 5/27/98; Ordinance #2006-1053 Effect. 4/26/06; Ordinance #2006-1066 Effect 3/7/07)

A. ORGANIZATION. There shall be a Citizen Long-Range Improvement Committee which shall consist of fifteen (15) members appointed by the Mayor with the approval of the City Council and up to two (2) non-voting city staff members recommended by the City Manager. The Mayor may appoint one additional non-voting youth liaison. Of the fifteen (15) members, a minimum of three (3) shall be from each district at all times. The Mayor shall also appoint a member of the City Council as liaison to the Committee who shall not be considered a member of the Committee. The Committee shall select its own officers, establish procedural rules and conduct as many meetings as necessary to perform its duties. The Committee shall be able to establish any subcommittees deemed necessary from time to time in order to more effectively perform its duties. The Committee may appoint a task force(s) as they deem necessary to facilitate investigations and research for the Committee. These task force members serve in an advisory capacity only to the Committee. Citizen Long-Range Improvement Committee members may be members of a task force(s) as deemed necessary.

B. TERM OF OFFICE - VACANCIES. The Mayor shall appoint the Committee with the approval of the City Council with the following staggered terms of office from Brooklyn Park residents who have applied for Committee appointment. Five (5) members shall be appointed to serve one (1) year, five (5) members shall be appointed to serve (2) years, and five (5) members shall be appointed to serve three (3) years. Thereafter, five (5) members shall be appointed annually to serve three (3) year terms as terms of previous appointees expire. Terms of members shall expire on April 1st of the last year of their appointed terms. Any vacancy shall be filled by the Mayor with the approval of the Council within ninety (90) days for the remainder of the unexpired term of the vacated seat. Appointments to the Committee replacing members whose terms are expiring shall be made by the Mayor with the approval of the City Council by May 1st of each year.

C. DUTIES. The Committee shall study all improvements consistent with the present and future needs and requirements of the City where improvements are defined as items that involve future development or redevelopment or that constitute significant budgetary changes proposed for future fiscal years. Committee study shall not be limited to proposed improvements, but shall exercise investigative functions, soliciting and taking inventory of community needs as necessary to perform and the duties whereby citizen-initiated requests for improvements are heard and considered. The Committee shall serve in an advisory capacity to the Council, and may also advise other committees, commissions, and task forces where their studies or projects involve long-range improvements. The Committee shall establish priority ratings of improvements, taking into consideration the following factors:

1. Public reaction as determined from informal public meetings or surveys.
2. Desired development direction for the City.

3. Proper usage of public monies and/or collected fees.
4. Any other factors necessary or helpful in determining improvements for the City. The Committee shall submit reports on projects it has studied to the City Council as well as other committees deemed appropriate. In addition to such reports, the Committee shall prepare and submit an Annual Long-Range Improvement Plan to the City Council by July 1 each year for consideration for the following years budget. The recommendations of this Committee to the City Council shall be advisory. The Committee shall receive the full cooperation and support of all City officials (elected and non-elected) in the performance of their duties and preparation of their reports.

D. CONTENTS OF REPORTS. The Committee Long-Range report shall include the following, if applicable:

1. A concise summary of the report.
2. A list of all improvements which were considered by the Committee with appropriate supporting information concerning the need for such improvements.
3. A priority rating for each listed improvement.
4. An advisory opinion on any significant changes to the Capital Improvement Plan and Capital Equipment Plan (CIP/CEP).
5. General impact of the improvements in terms of community development.
6. Any matter about which the City Council has requested information.

E. RESPONSE BY COUNCIL. A written review by the City Council of the Long-Range Improvement Report shall be returned to the Committee within sixty (60) days after the submission of the report.

CHAPTER 10

IMPROVEMENTS AND SPECIAL ASSESSMENTS

SECTION 10.01 GENERAL POWER AND PROCEDURES

The City of Brooklyn Park shall have the power to make any and every type of public improvements not forbidden by the laws of this state, and to levy special assessments for all such improvements as are of a local character, such special assessments to be levied against each lot or other unit of property separately as the same may be platted or subdivided. The amount assessed to benefit property to pay for local improvements may equal the cost of the improvement with interest until paid, but shall in no case exceed the value of the benefit received by such property. No levy of special assessment shall exceed the actual cost of the improvement.

The term improvements as referred to shall be inclusive of any item of expense to be paid for by special assessment levied against property, whether the entire cost is levied as a special assessment or otherwise.

SECTION 10.02 PUBLIC WORKS (Amended by Ordinance #2007-1073 Effect. 10/30/07)

All construction undertaken by the City of Brooklyn Park shall be considered public, and published plans and specifications of contracts, limitations upon contracts, contractors or individuals, and responsibility for maintaining services during such periods of construction shall be spelled out clearly in reasonable layman's language when possible and shall be on file at the city offices at all times open to the public. Where reference to state law is made, the section referred to shall be specified by section number and copies of same shall be available at the City Hall upon request.

SECTION 10.03 LOCAL IMPROVEMENTS (Amended by Ordinance #1986-539A Effect. 11/28/86)

The Council may prepare and adopt a comprehensive ordinance, prescribing the procedure which shall be followed in making all local improvements and levying assessments therefor, and such ordinance when adopted shall supersede all other provisions of the law on the same subject and may be amended only by an affirmative vote of at least five members of the Council. Until the adoption of such an ordinance, and in absence of such ordinance, all local improvements may be made and assessments levied therefor as prescribed by an applicable law.

SECTION 10.04 PROCEDURE Section 10.04 repealed by Ordinance #1986-539(A) Effect. 11/28/86.

SECTION 10.05 LIMITATIONS ON COUNCIL (Amended by Ordinance #1976-222A Effect. 6/10/76; Section 10.05 repealed by Ordinance #1986-539(A) Effect. 11/28/86)

SECTION 10.06 RIGHTS AND PRIVILEGES (Amended by Ordinance #1999-911 Effect. 01/20/00; Ordinance #2007-1073 Effect. 10/30/07)

Responsibility for repair of private property damaged as a result of construction, and replacement and repair of boulevards and frontages shall be established by ordinance.

Nothing in the preceding paragraphs of this chapter on special assessments shall deprive any property owner of the same rights and privileges pertaining to special assessments that are granted to property owners pursuant to Minnesota Statutes, Section 273.111.

Any subsequent state legislation pertaining to the deferral of special assessments for individuals or groups shall apply equally to all property owners within the City of Brooklyn Park.

SECTION 11.01 EMINENT DOMAIN (Amend. Eff. 12/13/93 Ord. #1993-731)

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

SECTION 11.02 PROCEEDINGS IN ACQUIRING PROPERTY (Amend. Eff. 12/13/93 Ord. #1993-731)

The necessity for the acquisition of any real 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 possible and State its intended use. Before adopting any resolution determining the necessity of the purchase of any real property, the Council shall receive a report as to the estimated market value of such real property, from one (1) or more persons other than officers or employees of the city, qualified in the appraisal of real property, appointed by the Council. The city shall attempt to negotiate the purchase with the owners of the property under consideration. If negotiations fail and the city exercises the power of eminent domain, the city shall proceed according to the laws of the State.

SECTION 11.03 PAYMENT OF AWARD Section 11.03 repealed by Ordinance #1993-731 effective 12/13/93.

SECTION 11.04 CITY MAY ABANDON PROCEEDINGS Section 11.04 repealed by Ordinance #1993-731 effective 12/13/93.

SECTION 11.05 CITY MAY TAKE ENTIRE PLANT Section 11.05 repealed by Ordinance #1993-731 effective 12/13/93.

Nothing in the preceding paragraphs of this chapter on special assessments shall deprive any property owner of the same rights and privileges pertaining to special assessments that are granted to property owners pursuant to Minnesota Statutes, Section 273.111.

Any subsequent state legislation pertaining to the deferral of special assessments for individuals or groups shall apply equally to all property owners within the City of Brooklyn Park.

CHAPTER 12

FRANCHISES

SECTION 12.01 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 City Clerk to guarantee publication before the ordinance is passed.

SECTION 12.02 TERM

No perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted for a period of more than twenty-five (25) years.

SECTION 12.03 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. Notice of such hearing shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

SECTION 12.04 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 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.

SECTION 12.05 RENEWALS OR EXTENSIONS

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

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

SECTION 13.01 ACQUISITION AND OPERATION OF UTILITIES

The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying its own needs for utility service or for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but such action may only be taken by ordinance, which shall not be an emergency ordinance. The operation of all public utilities owned by the city shall be under the supervision of the City Manager.

SECTION 13.02 RATES AND FINANCES

Upon recommendations made by the City Manager or upon its own motion, the Council may fix rates, fares, and prices, for municipal utilities, but such rates, fares, and prices shall be just and reasonable. The Council shall endeavor to make each municipal utility financially self-sustaining. Before any rates, fares, or prices for municipal utilities shall be fixed or changed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 13.07. The Council shall prescribe the time and the manner in which payments for all such utility services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violations of such regulations.

SECTION 13.03 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 13.04 CITY TO PAY FOR SERVICES

The Council shall make a reasonable charge, based on the cost of service for lighting the street and public buildings, or for supplying heat, power, or any other utility, and reasonable charges for supplying all municipal facilities with water, and shall credit the same to the publicly owned utility supplying the service. Rentals and other charges for light, heat, power, water, and other services shall be collected in the same manner as from other consumers.

SECTION 13.05 LEASE OF PLANT

The Council may, if the public interest 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. Such contract shall be embodied in and let only by ordinance, which shall not be an emergency ordinance. In no case shall such contract be for a longer term than ten (10) years.

SECTION 13.06 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 the sale or the disposition, together with the price to be paid, shall be embodied in an ordinance approved by a majority of the voters voting thereon at a general or special election.

SECTION 13.07 NOTICE OF PUBLIC HEARINGS

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

CHAPTER 14

MISCELLANEOUS AND TRANSITORY PROVISIONS

SECTION 14.01 OFFICIAL PUBLICATIONS (Amended by Ordinance #2005-1035 Effect. 08/10/05)

The Council shall annually designate a legal newspaper of general circulation in the city as its official newspaper. Whether published or electronically disseminated, information regarding public notice, ordinances, bid solicitation and other city matters required by law to be disseminated, shall be in accordance with law.

SECTION 14.02 OATH OF OFFICE

All officers of the city shall, before entering upon the duties of office, take and subscribe an oath of office in the following manner:

"I solemnly swear (or affirm) that I will support and obey the Constitution and 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 Brooklyn Park, and will faithfully discharge the duties of the office of _____ to the best of my judgment and ability."

SECTION 14.03 PERSONAL FINANCIAL INTEREST (Amended by Ordinance #2000-941 Effect. 3/6/01; Ordinance #2005-1035 Effect. 08/10/05)

Any city officer or employee who has a financial interest, direct or indirect or by reason of ownership in any person, business or corporation, in any contract with the city or in the sale of any land, material supplies or services to the city or to a contractor supplying the city, shall make known that interest and shall refrain from voting upon or otherwise participating in his/her capacity as a city officer or employee in the making of such sale or in the making or performance of such contract. Any city officer or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his/her office or position. Violation of this section with the knowledge express or implied of the person or corporation contracting with or making a sale to the city shall render the contract or sale voidable by the City Council.

All city elected officers and all employees having authority to make major decisions regarding the expenditure or investment of public money shall file a written Statement of Economic Interest form in accordance with Minnesota Statutes, Section 10A.09 with the City Clerk.

SECTION 14.04 PROHIBITIONS (Amended by Ordinance #2005-1035 Effect. 08/10/05)

(A) Activities Prohibited -

1. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any city position or appointive city

administrative office because of race, gender, color, creed, religion, national origin, marital status, sexual preference, status with regard to public assistance, membership or activity in a local commission, disability or age.

2. No person shall willfully make any false Statement, certificate, mark, rating, or report in regard to any test, certification or appointment under the personnel provisions of this Charter or the rules and regulations made there under, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules and regulations.
3. No person who seeks appointment or promotion with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service, or other valuable thing to any person for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.
4. Repealed by Ordinance #1991-670(A) effective 5-6-91.
5. No person who holds any elected or compensated appointive city position shall solicit or receive any pay, commission, money, thing of value, or derive any profit, directly or indirectly, from or by reason of any action 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.

(B) Penalties

Any person who by himself/herself or with others willfully violates any of the provisions of Paragraphs 1 thru 5 shall be guilty of a misdemeanor. Any person convicted under Section 14.04 shall be ineligible for a period of five (5) years thereafter to hold any city office or position, and if an officer or employee of the city, shall immediately forfeit his/her office or position.

SECTION 14.05 OFFICIAL BONDS (Amended by Ordinance #1980-329(A) Effect. 10/10/80; Ordinance #2002-966 Effect. 07/03/02)

The City Manager, the City Clerk, the Director of Finance, 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/her respective office or employment, be covered by 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/her official duties and the safekeeping of the public funds. Such bonds may be either individual or blanket bonds in the discretion of the Council. They shall be approved by the Council and approved as to form by the City Attorney, and filed with the City Clerk. The premiums on the bonds shall be paid by the city.

SECTION 14.06 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.

SECTION 14.07 VACATION OF STREETS AND PUBLIC GROUNDS

The Council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of six-sevenths (6/7) of all members of the Council. No such vacation shall be made unless it appears in the interest of the public to do so. After a hearing preceded by two weeks published and posted notice, and after a resolution of vacation is adopted, the Council shall prepare and present to the proper county officers a notice of completion of the proceedings in accordance with Minnesota State Law.

SECTION 14.08 STATUTES NOT AFFECTED BY CHARTER

All general laws and statutes of the State applicable to all cities operating under home rule charters or applicable to cities of the same class as the City of Brooklyn Park operating under home rule charters, and not inconsistent with the provisions of this Charter, shall apply to the City of Brooklyn Park and shall be construed as supplementary to the provisions of this Charter.

SECTION 14.09 EXISTING ORDINANCES, RESOLUTIONS, RIGHTS AND OBLIGATIONS OF FORMER MUNICIPALITY CONTINUED

The City of Brooklyn Park shall remain vested with and continue to have, hold and enjoy all property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the Village of Brooklyn Park, and shall be subject to all liabilities which exist against the city on the effective date of this Charter.

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

SECTION 14.10 PENDING CONDEMNATION AND ASSESSMENTS

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

SECTION 14.11 DISPOSITION OF FINES AND PENALTIES (Amended by Ordinance #2005-1035 Effect.

08/10/05)

All fines, forfeitures and penalties received for the violation of any ordinance shall be paid into the General Fund.

SECTION 14.12 DAMAGE SUITS AND RECOVERY OF JUDGMENT FOR DAMAGE

Damage suits and recovery of judgment for damage shall be in accordance with State statutes.

SECTION 14.13 POLICE PENSION PLAN (Section 14.13 repealed by Ordinance #2005-1037 effective 8/31/05)

SECTION 14.14 CIVIL SERVICE (Amended by Ordinance. #1997-852 Effect. 10/2/97) (Section 14.13 repealed by Ordinance #2005-1037 effective 8/31/05)

SECTION 14.15 SEVERABILITY (Amended by Ordinance #2005-1035 Effect. 08/10/05)

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any provisions to any person or circumstance is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

SECTION 14.16 ORDINANCE TO MAKE CHARTER EFFECTIVE

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

SECTION 14.17 SCHEDULE (Amended by Ordinance #2005-1035 Effect. 08/10/05)

- (A) At the time of adoption, this Charter shall be in effect to the extent necessary that the procedures for the first election of members of the City Council shall be conducted in accordance with the provisions of this Charter, except that nominations by petition per Section 4.06 shall be completed by October 1, 1969, and that primary municipal elections per 4.03 shall be waived for the year 1969. This first election shall include the offices of Mayor and four Council members, as defined below, and shall be held on the first Tuesday after the first Monday of November 1969.

The Mayor and four Council members shall be elected for that period so designated on the election ballot to comply with the pattern of alternate terms as required in Section 2.03 of this Charter. The offices of two Council members, whose terms of office do not end in 1969, shall complete the terms for which they have been elected. These Council members shall become representatives of that district in which they now reside. In the event the offices of the two Council members, whose terms of office do not end in 1969, become vacant (per Section 2.06), then these offices shall be filled in accordance with Section 2.06 of this Charter.

The following schedule of election shall take place on the first Tuesday after the first

Monday of November 1969. Nominations for each office shall be in accordance with Section 4.06 of this Charter.

Office of Mayor Election: A Mayor shall be elected at-large for a three-year term.

West District Election: One office for Council member shall be elected from and by the West District for a term of two years.

Central District Election: One office for Council member shall be elected for a term of one year, and one office for Council member shall be elected for a term of two years from and by the Central District. Each office shall be nominated and elected separately. A nominee may file for only one of the two offices.

East District Election: One office for Council member shall be elected from and by the East District for a term of one year.

All future elections of city officials, after 1969, shall follow the procedures established in this Charter.

- (B) The new City Council shall meet on the first business day of January, 1970. This Charter shall then be in full effect for all purposes on and after this date.
- (C) The present officers of the city shall continue in their respective offices and functions, and shall continue to govern the city until the first business day of January, 1970. They shall make such financial and other provisions for the fiscal year 1970 as will serve to carry on the new city government as provided by this Charter.

Upon completion of the above-mentioned 1969 election, the seven member City Council will be complete in accordance with Section 2.03 of this Charter.

SECTION 14.18 CHARTER COMMISSION (Amended by Ordinance #1990-653A Effect. 8/21/90)

The Charter Commission of the City of Brooklyn Park shall be a permanent body in accordance with the Statutes of the State of Minnesota. Pursuant to the authority contained in Minnesota Statutes, Section 410.05, Subdivision 1, the size of the Charter Commission shall be established at eleven (11) members. The size of the Charter Commission is currently 15 and currently there are ten members duly appointed and serving and one recent resignation. The purpose of this Charter Amendment is to reduce the membership from 15 to 11 and to establish terms, which shall commence and expire on a common date. This requires a transition solution, which has been agreed to by all current Charter Commission members. The current Commissioners whose terms expire on November 1, 1989, January 14, 1990, January 27, 1990, March 25, 1990, and May 22, 1990 (being six in number) shall all be extended to June 1, 1990. On June 1, 1990, and every four years thereafter, six members shall be appointed to serve a four year term or until their successors are appointed and qualify. Current Commissioners (four) or vacancies (one) whose terms expire on October 1, 1990, July 14, 1991, September 26, 1991, June 27, 1992, and November 1, 1992 (total of five) shall be extended or shortened so that their terms shall expire on June 1, 1992. On June 1, 1992, and every four years

thereafter, five members shall be appointed to serve a four year term or until their successors are appointed and qualify. All terms and vacancies thereafter shall be as prescribed in Minnesota Statutes, Section 410.05, Subdivision 2.

SECTION 14.19 ADMINISTRATIVE PENALTIES(Amended by Ordinance #1998-875 Effect. 7/22/98; Ordinance #2009-1102 Effect. 10/30/09)

- (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.

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