

# CHARTER

OF THE

# CITY OF GRANITE FALLS

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**Effective August 6<sup>th</sup> 2021**

This Charter replaces all previous Charters. Previous charter 1987.

## City Council

**David Smiglewski, Mayor**  
**Steve Nordaune, Vice President**  
**DuWayne Galow**  
**Sharon Pazi Zea**  
**Joseph Fagnano**  
**Scott Peterson**  
**Brad Peterson**

## Charter Commission

**Mayor Dave Smiglewski**  
**Council Member Joe Fagnano**  
**Council Member Steve Nordaune**  
**City Clerk Christine Kleven**  
**City Attorney Jeremy Blackwelder**  
**Tyler Knutson**  
**Pat Kubly**  
**Tom Cherveney**  
**Ex Officio City Manager Crystal Johnson**

To: The Honorable David Smiglewski, Mayor of the City of Granite Falls, in the Counties of Yellow Medicine and Chippewa, State of Minnesota, and the members of the City Council of said City:

We, the undersigned members of the Charter Commission heretofore appointed by the Honorable Dwayne Knutsen, Chief Judge of Eighth Judicial District, as a Charter Commission for the City of Granite Falls, do hereby report and deliver the draft of the proposed Charter of the City of Granite Falls hereto attached, and recommended that said proposed Charter be submitted for adoption according to the law.

Dated this 19th day of July, 2021

Mayor Dave Smiglewski  
Council Member Joe Fagnano  
Council Member Sharon Pazi Zea  
City Clerk Christine Kleven  
City Attorney Jeremy Blackwelder  
Tyler Knutson  
Pat Kubly  
Tom Cherveney  
Ex Officio City Manager Crystal Johnson

## **NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS**

### **Section 1.01. – Name and Boundaries**

The City of Granite Falls, in the Counties of Yellow Medicine and Chippewa, State of Minnesota, shall, upon the taking effect of this Charter, continue to be a municipal corporation under the name and style of the City of Granite Falls, 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 constitutions of this State and of the United States. It is the intention of this Charter to confer upon the city every power which it would have if it were specifically mentioned. The Charter shall be construed liberally in favor of the city and the specific mention of particular municipal powers in other sections of this Charter does not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

### **Section 1.03 – Charter A Public Act**

This Charter shall be a public act, and need not be pleaded in any case. It shall take effect thirty days after its adoption by the voters or a method as determined by council.

## **CHAPTER 2 FORM OF GOVERNMENT**

### **Section 2.01 – Form of Government**

The form of government established by this Charter shall be known as the “Council-Manager Plan”. All discretionary powers of the city, both legislative and executive, not vested by the Charter provisions to others, shall be vested in and be exercised by the City Council, subject to the initiative, referendum, and recall powers of the people. The City Council shall have complete control over the city administration, but shall exercise this control exclusively through the City Manager, and shall not itself attempt to perform any administrative work.

### **Section 2.02 – Interference with Administration**

Neither the council nor any of its members shall dictate the appointment or removal of any city administrative officer or employee, but the council may express its views and freely discuss with the manager anything pertaining to appointment and removal of officers and employees. Except for the purpose of inquiry and investigation under Section 2.11, the council and its members shall deal with and control city administrative officers and employees under the jurisdiction of the manager solely through the manager, and neither the council nor any council member shall give orders to any subordinate of the manager either publicly or privately.

**Section 2.03 – Wards and Precincts**

The City of Granite Falls shall be divided into two wards, with the same boundaries as now are and hereafter may be established. Each ward in the City shall constitute at least one election precinct, and additional election precincts may be established and the boundaries thereof subsequently changed by ordinance or resolution of the Council for the purpose of reapportionment, subject to the procedures outlined in the Minnesota Election Laws, and as amended.

**Section 2.04 – Elective Officers**

The elective officers of the City of Granite Falls shall be a Mayor, two Councilmembers from the first ward and one Councilmember from the second ward and three Councilmembers -at-large.

**Section 2.05 – Term of Office**

The term of office of all elective officers shall be four (4) years as referenced in the chart below:

<u>Year 1</u>	<u>Position</u>	<u>Term</u>
	Mayor	4 years
	(2) Council Members for Ward I	4 years
	(1) At Large Council Members	4 years
<u>Year 2</u>	<u>Position</u>	<u>Term</u>
	(1) Council Member from Ward II	4 years
	(2) At Large Council Members	4 years

**Section 2.06 – Appointive Officers**

The appointive officers of said city shall be appointed by the City Council and shall consist of the following: a City Manager, City Engineers, City Attorney, City Auditor and such offices and boards as are created by ordinance; and terms of office of all appointive officers shall be established by City Council and until their successors are appointed and properly qualified.

**Section 2.07 – Incompatible Offices**

The Mayor nor any member of the council shall be appointed City Manager, nor shall any member hold any paid municipal office or employment under the city; and until one year after the expiration of their term as Mayor or Councilmember no former member shall be appointed to any paid appointive office or employment under the city which was created or the compensation for which was increased during their term as Mayor or Councilmember.

## **Section 2.08 – Vacancies in the Council**

An elective office on the council becomes vacant when the person elected thereto dies before taking office or fails to qualify, the incumbent dies, resigns in writing filed with the City Clerk, is convicted of a felony, is adjudged incompetent by a court of competent jurisdiction, or moves from the ward from which the councilmember is elected, or ceases to reside in the city for more than three months. In each such case the council shall by resolution declare the vacancy to exist and shall forthwith appoint an eligible person to fill the vacancy until the next regular municipal election at which time the voters will elect a person to fill the vacancy for the unexpired term, except for the mayor (covered under Section 2.10).

## **Section 2.09 – Salaries**

The Mayor and Councilmembers shall receive compensation as is fixed by the council in accordance with law. 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 2.10 – The Mayor**

The Mayor shall preside at meetings of the council and shall have a vote as a member. The Mayor shall be recognized as head of the city government for all ceremonial purposes, by the courts for the purpose of serving civil process and by the Governor for purposes of martial law, but the Mayor shall have no administrative duties. The council shall choose from its members a Vice President who shall hold office at the pleasure of the council. The Vice President shall serve in the mayor's absence in the event of a vacancy in the office of Mayor whether by death, resignation, or other cause, the Vice President of the council shall become Mayor to fill the vacancy for the unexpired term, and the council shall appoint one of its members to the office of Vice President of the council, and shall appoint an eligible person to fill such resulting vacancy in the manner provided by Section 2.08

## **Section 2.11 – Investigation of City Affairs**

The council and the City Manager, or either of them and any officer or officers formally authorized by them, or either of them, shall have power to investigate into the city's affairs, to subpoena witnesses, to administer oath, and to compel the production of books and papers. The council may at any time provide for an examination or audit of the accounts of any department or board or commission of the city government.

## **CHAPTER 3 PROCEDURE OF COUNCIL**

### **Section 3.01 – Council Meetings**

On the first Monday in January following a regular municipal election, the council shall meet at the usual place and time for the holding of council meetings. At this time the newly-elected members of the council shall assume their duties. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution, except that they shall meet not less than once each month. Upon written request, the Mayor or three Councilmembers may request a special meeting. This request shall be given to the City Manager. The City Manager will have the obligation of notifying the other members of the council and the media in accordance with State Statute. No business shall be transacted at any special meeting unless the subject of the same shall have been specified in the written notice thereof. No action shall be taken at such special meetings except by the affirmative vote of a majority of the council. All meetings of the council shall be open except as otherwise provided by law. Any citizen shall have access to the minutes and records thereof at all reasonable times.

### **Section 3.02 – Vice President**

At the first meeting of the City Council each year they shall proceed to elect by voice vote or roll call vote from their number a Vice President. In the event of a tie, the most senior councilmember will be chosen as Vice President. If both councilmembers have the same seniority, the Vice President will be decided upon a coin toss. During the absence of the Mayor from the city, or their inability from any cause to discharge the duties of their office, the Vice President shall exercise all the power and discharge all the duties of the Mayor.

### **Section 3.03 – Secretary of the Council**

The City Clerk shall act as secretary of the council at all its meetings, and shall keep such records and perform such other duties as may be required by this Charter or by a vote of the council.

### **Section 3.04 – Rules of Procedure and Quorum**

The council shall determine its own rules and order of business and minutes shall be kept of its proceedings. All meetings of the City Council shall be run in a business-like efficient manner. A majority of all members elected shall constitute a quorum to do business.

### **Section 3.05 – Ordinances, Resolutions, and Motions**

Except as otherwise provided in this Charter, all legislation shall be by ordinance. The votes of council members on any action taken shall be recorded in accordance with Statute. Except as otherwise provided in this Charter, an affirmative vote of a majority of the council shall be required for the adoption of all ordinances and resolutions.

### **Section 3.06 – Procedures on Ordinances**

Every proposed ordinance shall be presented in writing. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be, "The City of Granite Falls ordains". No ordinance except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least ten (10) days shall elapse between its introduction and final passage.

### **Section 3.07 – Emergency Ordinances**

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

### **Section 3.08 – Procedure on Resolutions**

Every resolution shall be presented in writing or by verbal synopsis before adoption.

### **Section 3.09 – Appropriations**

All appropriations of money shall be by resolution or ordinance except as otherwise provided in this Charter.

### **Section 3.10 – Signing and Publication of Ordinances**

All ordinances and resolutions passed by the council shall be signed by the Mayor and attested by the Clerk. Upon the passage of any ordinance it shall be published in the official newspaper of the city either in full or by summary before it takes effect, and proof of publication thereof shall be filed with the clerk. Emergency ordinances and resolutions, and ordinances and resolutions making the annual tax levy, determining the annual budget, and providing for local improvements, shall take effect immediately upon their passage.

### **Section 3.11 – Amendment and Repeal of Ordinances and Resolutions**

No ordinance or resolution or section thereof shall be repealed or amended by reference to its title alone, but such amending or repealing ordinance or resolution shall contain a statement of the subject matter of the ordinance or resolution or section thereof to be amended or repealed, together with the amended form thereof in case of amendment.

### **Section 3.12 – Revision and Codification of Ordinances**

The ordinances of the city may from time to time, by a single ordinance, be revised, rearranged and codified and any new matter may be added which may be deemed necessary by the council. Such ordinance code may be published in book, pamphlet, or continuously revised in loose leaf form and copies shall be made available by the council at the office of the City Clerk for general distribution to the public free or for a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously

published. Notice that copies of the codification are available at the office of the City Clerk shall be published in the official newspaper for at least two successive weeks.

## **CHAPTER 4 ADMINISTRATION OF CITY AFFAIRS**

### **Section 4.01 – Power and Duties of the City Manager**

The City Manager shall be the chief administrative officer of the city. The City Manager shall be chosen by the council solely on the basis of training, experience, and administrative qualifications. The choice shall not be limited to residents of the city or state. The City Manager shall be appointed for an indefinite term and shall be removed by an affirmative vote of the council at any time. During the absence or disability of the City Manager, the duties of the office shall be performed by some properly qualified person designated by the council.

### **Section 4.02 – Power and Duties of the City Manager**

Subject to the provisions of this Charter, and any regulation consistent therewith which may be adopted by the council, the City Manager shall control and direct the administration of the city's affairs. The powers and duties as City Manager shall be:

- (a) To see that this Charter and the laws, ordinances, and resolution of the city are enforced;
- (b) To appoint and, except as herein provided, remove the City Clerk, all heads of department and all subordinate officers and employees in the department, all appointments to be upon merit and fitness alone;
- (c) To exercise control over all departments and divisions of the city administration created by this Charter or which may be hereafter created by the council;
- (d) To attend all meetings of the council, with the right to take part in the discussions but having no vote.; but the council may at its discretion exclude the City Manager from meetings at which their removal is considered;
- (e) To recommend to the council for adoption such measures as may be deemed necessary for the welfare of the people and the efficient administration of the affairs of the city;
- (f) To keep the council fully advised as to the financial condition and the needs of the city, and to prepare and submit to the council the annual budget and capital improvements program;
- (g) To exercise control over department heads and subordinates in matters of employment and personnel policies;
- (h) To perform such other duties as may be prescribed by this Charter or required by ordinances or resolution adopted by the council.

### **Section 4.03 – Department of Administration**



The council may create such departments, commissions, and boards for the administration of the city's affairs as it may deem necessary, and may alter the powers and organizations as they deem necessary. It may combine the duties of various officers and may alter the powers and organization of or abolish any department as conditions may justify. All such boards shall be advisory only, except that the council may by ordinance create a Hospital Board with administrative powers and duties fixed by ordinance.

#### **Section 4.04 – Subordinate Officers**

There shall be a City Clerk, a Finance Officer, and such other officers subordinate to the City Manager as the council may create by ordinance. All such officers shall be subject to the direction of the City Manager. The 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 4.05 – Purchases and Contracts**

The City Manager shall be the chief purchasing agent of the city. All city purchases and contracts shall be made or let by the City Manager when the amount involved does not exceed, \$10,000 unless otherwise directed by council by resolution. All other purchases shall be made and all other contracts let by the City Manager only after approval by the City Council. Contracts shall be made in compliance with the uniform contracting law. 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 4.06 – Contracts**

In all cases of work to be done by contract, or for the purchase of personal property of any kind where the amount involved is more than \$10,000. State Statute will be followed unless the council shall by an emergency resolution or ordinance otherwise provide, and the City Manager shall advertise for bids in such manner as may be designated by the council. Contracts of this magnitude shall be let to the lowest responsible bidder. The term "lowest responsible bidder" shall be interpreted as giving the council the right to accept any bid which it determines to be most advantageous to the city. The council in addition, may reject any and all bids. Nothing contained in this section shall prevent the council from contracting for the doing of work with patented processes, professional services, or from purchasing patented equipment. Further regulations for the making of bids and letting of contracts shall be made by ordinance, subject to the provisions of this Charter.

## **CHAPTER 5**

## **NOMINATIONS AND ELECTIONS**

### **Section 5.01 – Regular Municipal Election**

A regular municipal election shall be held on the first Tuesday after the first Monday in November in even years at such place or places as the City Council may designate, to elect officers as herein provided in Section 2.05.

Not less than ten days before the day of such election the City Clerk shall post in three conspicuous places in the city, or give two weeks' published notice in the official newspaper, or both, as the City Council may direct, a notice of the election; but failure to give such notice shall not invalidate such election.

### **Section 5.02 – Special Elections**

The council may by resolution adopt by an affirmative vote of a majority of the council, order a special election of the registered voters of the city and provide for holding the same pursuant to State Statute. The procedure at such election shall conform as nearly as possible to other municipal elections. The purpose of such special election shall be clearly stated in such resolution and no other matter shall be submitted.

### **Section 5.03 – Judges of Election**

The council shall at least 25 days before each municipal election appoint a minimum of three election judges for each precinct, or in the case of paper ballot precincts, one judge per 150 ballots cast in the precinct at the last similar election. The council may in its discretion appoint relief judges as authorized by Statute. All elections are to be held in accordance with rules and regulations set for by State Statute.

### **Section 5.04 – Filing for Office**

No earlier than ten weeks nor later than eight weeks before the municipal election, any voter of the city qualified under the state constitution for elective office may, by filing an affidavit and paying a filing fee per ordinance complying with State Statute to the City Clerk, have their name placed on the municipal election ballot.

### **Section 5.05 – Canvass of Elections**

Canvassing of election and matters related thereto shall be conducted pursuant to State Statute.

### **Section 5.06 – Procedure at Elections**

The conduct of elections shall be regulated by ordinance, subject to the provisions of this Charter and of the general laws of the State of Minnesota.

### **Section 5.07 – Election Precincts**

Each ward in the city shall contain at least one election precinct, and additional election precincts may be established and the boundaries thereof subsequently changed by ordinance or resolution of the council adopted at least ninety days before the next ensuing election and sixty days posted notice thereof shall be given before the change shall take effect.

## **CHAPTER 6 INITIATIVE, REFERENDUM AND RECALL**

### **Section 6.01 – Powers Reserved by the People**

The people of Granite Falls reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt ordinances, to require measures passed by the council to be referred to the registered voters for approval or disapproval, and to recall elected public officials. These powers shall be called the initiative, the referendum and the recall, respectively.

### **Section 6.02 – Further Regulations**

The council may provide by ordinance such further regulations for the initiative, referendum and recall, not inconsistent with this Charter, as it may deem necessary.

## **INITIATIVE**

### **Section 6.03 – Initiation of Proposed Ordinances**

Any five registered voters may form themselves into a committee for the initiation of any proposed ordinance of public concern. After formulating their measure they shall file a verified copy thereof with the City Clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors thereof.

### **Section 6.04 – Form of Petition and Signature Papers**

The petition for the adoption of any proposed ordinance shall consist of the proposed ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least twenty percent of the total number of votes cast at the last proceeding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall

make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature paper shall be in substantially the following form:

INITIATIVE PETITION

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

NAME	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The undersigned registered voters, understanding the terms and the nature of the measure hereto attached, petition the council of the City of Granite Falls for its adoption, or, in lieu thereof, for its submission to the registered voters for their approval.

NAME	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

**Section 6.05 – Filing of Petition and Action Thereon**

All the signature papers shall be filed in the office of the City Clerk as one instrument. After the filing of the petition, the city Clerk shall in compliance with all applicable State Statutes, rules, and regulations ascertain by examination the number of registered voters whose signature are appended thereto, and whether this number is at least twenty percent of the total number of registered voters who cast their votes at the last preceding municipal election. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for this finding. The committee shall then be given 30 days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular the clerk shall file the same in this 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 measure to the registered voters at the next regular or any special election, at its option.

### **Section 6.06 – Action of Council on Petition**

Whenever the petition shall be 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 voters which they constitute, and the council shall at once read the proposed ordinance and refer it to an appropriate committee, which shall be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the proposed ordinance, after the holding of which the proposed ordinance shall be finally acted upon by the council not later than sixty-five days after the date upon which such proposed ordinance was submitted to the council by the City Clerk. If the council shall fail to pass the proposed ordinance, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to the vote of the registered voters at a special election to be held pursuant to State Statute, unless a regular municipal election is to occur within three months, in which case it may be submitted at such regular municipal election. In case the council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the City Clerk within ten days from the passage thereof by the council, then the proposed ordinance need not be submitted to the registered voters.

### **Section 6.07 – Initiative Ballot**

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

**Section 6.08 – Initiation of Charter Amendments**

Nothing in this Charter shall prohibit or restrict the right of the registered voters under the constitution and statutes of Minnesota to propose amendment to this Charter.

**Section 6.9 – The Referendum**

If prior to the date when an ordinance takes effect a petition, signed by registered voters of the city equal in number to twenty (20) percent of the total vote at the last regular municipal election, be filed with the City Clerk requesting that any such proposed ordinance, or any part thereof, be repealed or be submitted to a vote of the registered voters, the said proposed ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the said proposed ordinance at its next regular meeting, and either repeal the same or repeal the section thereof to which objection has been raised by the petitioners, or by yes and no vote affirm its adherence to the proposed ordinance as passed. In the latter case, the council shall immediately order an election to be held thereon, pending which the ordinance shall remain suspended. If a majority of the registered voting thereon are opposed to the proposed ordinance, it shall not become effective; but if a majority of the registered voters voting thereon favor the proposed ordinance, it shall go into effect immediately or on the date therein specified.

**Section 6.10 – Referendum Petitions**

The requirements laid down in Section 6.02 and 6.03 above as to the formation of committees for the initiation of proposed ordinances and to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to  
(stating the purpose of the ordinance), a  
copy of which ordinance is hereto attached.  
The Proposed repeal is sponsored by the  
following committee of registered voters.

NAME

ADDRESS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

NAME	ADDRESS
_____	_____
_____	_____
_____	_____

This petition shall be signed and verified as provided in the case of the initiative petition in Section 6.03 above.

**6.11 – Referendum Ballots**

The ballots used in any referendum election shall conform to the rules laid down in Section 6.06 of this Charter for initiative ballots.

**RECALL**

**Section 6.12 – The Recall**

Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected officers of the city. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a specific and concise statement of the grounds for removal, and their intention to bring about the officer’s recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

**Section 6.13 – Recall Petitions**

The petition for the recall of any official shall consist of a certificate identical with the filed with the City Clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of each such paper

shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports, to be in substantially the following form:

RECALL PETITION

Proposing the recall of \_\_\_\_\_  
from his/her office as \_\_\_\_\_  
This recall is sought for the reason set  
forth in the attached certificate. This  
petition is sponsored by the following com-  
mittee of registered voters:

NAME	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The undersigned registered voters, understanding  
the nature of the charges against the officer  
herein sought to be recalled, desire the  
holding of a recall election for that pur-  
pose.

NAME	ADDRESS
_____	_____
_____	_____
_____	_____

**Section 6.14 – Filing of Petition**

Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the same within the next ten days and if the City Clerk finds it irregular in any way or finds that the number of



signers is less than twenty (20) percent of the total number of registered voters who cast their votes at the last preceding regular municipal election, the City Clerk shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, the City Clerk shall notify all the members of the committee to that effect, and shall file the petition in the office of the City Clerk. No further action shall be taken thereon.

### **Section 6.15 – Recall Election**

If the petition or amended petition be found sufficient, the City Clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion provide for the holding of a special recall election pursuant to State Statute provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

### **Section 6.16 – Procedure at Recall Election**

In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also the officer concerned shall be provided with an opportunity to justify their course in office.

### **Section 6.17 – Form of Ballot and procedure for Filling Vacancy**

If the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, there shall be no election. Should the officer whose removal is sought shall not have resigned, there shall be an election. The form of ballot at such election shall be as near as may be as follows: “Shall \_\_\_\_\_ (name of officer) \_\_\_\_\_ be recalled?” The name of the officer being inserted in the blank space, and the registered voters shall be permitted to vote separately “Yes” or “No” upon this question. If a majority of those voting on the question of recall vote in favor of recall, the official shall be there by removed from office and the office declared vacant. The vacancy shall be filled in the usual manner as prescribed elsewhere in this Charter.

## **CHAPTER 7 FIRE DEPARTMENT**

### **Section 7.01 – Fire Department**

There shall be a Fire Department, either volunteer or paid, but the council may establish an all paid department by ordinance adopted by a majority vote. The City Manager may make provisions for payment of moderate compensation to volunteer members for active service in fighting fires.

### **Section 7.02 – Officers**

The Fire Department shall elect a chief, an assistant chief, and such other officers as may be needed, and may adopt regulations for its governments, subject to the approval of the council.

### **Section 7.03 – Destruction of Buildings**

Whenever any building in the city shall be on fire, it shall be lawful for, and shall be the duty of the Mayor or the Chief of the Fire Department to order the destruction and removal thereof, and to destroy, pull down and remove such building, or any other building in the vicinity, or any part thereof that may be deemed hazardous or likely to communicate fire, and no action shall be maintained against any person, or said city, therefore, or on account thereof.

### **Section 7.04 – Penalties**

If any person shall at any fire refuse to obey the lawful orders of the Chief of the Fire Department, or other officer vested with authority at such fire, such person shall be guilty of a misdemeanor and shall be punished as prescribed by the ordinance of the city, or in the case the offense is not punishable under the ordinance of the city, then as a misdemeanor under the laws of the State.

## **CHAPTER 8 FRANCHISES**

### **Section 8.01 – 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 therefore 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 full franchise ordinance or summary and shall make a sufficient deposit with the clerk to guarantee publication before the ordinance is passed.

### **Section 8.02 – Term**

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

### **Section 8.03 – 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 days prior to the date of the hearing.

### **Section 8.04 – 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 8.05 – Renewals or Extension**

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

## **CHAPTER 9 PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS**

### **Section 9.01 – Power to Make Improvements and Levy Assessments**

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

### **Section 9.02 – Assessments for Services**

The council may provide by ordinance that the cost of city utilities and services to streets, sidewalks, or other public or private property may be assessed against property benefited and collected in the same manner as special assessments.

### **Section 9.03 – Local Improvement Procedures**

When the city undertakes any local improvement to which the state local improvement code applies, it shall comply with the provisions of that law. The council may by ordinance prescribe the procedure to be followed in making any other local improvement and levying assessments therefor.

## **Section 9.04 – Public Works, How Performed**

Public Works, including all local improvements, may be constructed, extended, repaired and maintained either directly by City Employees or by contractors. The city shall require contractors to give bonds for the protection of the city and all persons furnishing labor and materials pursuant to the law. All contracts shall be let to the lowest responsible bidder, but the term “lowest responsible bidder” shall be interpreted as giving the council the right to accept any bid which it determines to be most advantageous to the city. The council shall reserve the right to reject any or all bids and to waive any and all irregularities and technicalities in the bid process.

## **CHAPTER 10 PUBLIC OWNERSHIP AND OPERATION OF UTILITIES**

### **Section 10.1 – Acquisition and Operation of Utilities**

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

### **Section 10.2 – Rates and Finances**

The council may by ordinance fix rates, fares, and prices for any municipal utility, prescribe the time and manner of payment for any such service, make such other regulations as may be necessary, and prescribe penalties for violation of such regulations. The rates shall be sufficient to pay all operating costs of the respective utility and all bonds and interest constituting a charge against such utility when the same mature. The council must hold a public hearing before setting utility fees. The council may adopt regulations governing utility services and establish penalties for violations.

### **Section 10.3 – Purchase in Bulk**

The council may, in lieu of providing for the local production of gas, electricity, water and other utilities as determined by council, purchase the same in bulk and resell them to local consumers at such rates as it may fix as reasonable therefore.

### **Section 10.4 – City to Pay for Services**

The City Council shall include an item in its budget yearly to pay a reasonable charge, based upon the cost of service, for lighting the street and public buildings and for supplying heat, gas, power or any other utility, and a reasonable hydrant rental and other charges for supplying the city with water, and shall credit the same to the public-owned utility supplying

the service. Such rentals and charges for other services hereunder shall be collected in the same manner as from other consumers, unless the council provides some other plan.

#### **Section 10.05 – Lease of the Plant**

The council may, if the public interests will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary, but such contract shall be embodied in and let only by an ordinance approved by a majority vote of the council, which ordinance shall be submitted to the registered voters at a regular or special city election and approved by a two-thirds vote of the registered voters voting thereon at such election. The contractor shall be subject as far as possible to the rules as to rates and services, and as to council control, laid down for the holders of franchise in Chapter 8 of this Charter.

#### **Section 10.06 – Sale or Abandonment of Publicly-Owned Utilities**

No public utility owned by the city, whether acquired prior to the adoption of this Charter of thereafter, shall be sold or abandoned in whole or in part, nor shall any part thereof essential to the operation of such system be sold or abandoned, nor have the operation thereof discontinued by the city unless the full terms of the proposition of said sale or other disposition thereof, together with the consideration therefor, shall have been embodied in an ordinance passed by a 5/7 vote of the council in the usual way, and submitted to the registered voters at a referendum election, and approved by a two-thirds majority vote of the registered voters voting thereon.

### **CHAPTER 11 TAXATION AND FINANCE**

#### **Section 11.01 – Council to Control Finances**

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

#### **Section 11.02 – Fiscal Year**

The fiscal year shall end on the thirty-first day of December.

#### **Section 11.03 – 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 for a system of local taxation and to change the same from time to time. In so far as the city procures a revenue from taxes on real and

personal property as such, it shall conform as fully as possible to the general State law as to the assessment of such property and the collection of such taxes.

#### **Section 11.04 – Board of Review**

The council shall constitute a board of review to equalize assessments of property for taxation purposes according to law.

#### **Section 11.05 – Preparation of the Annual Budget**

Annually the City Manager shall submit to the council a recommended budget in accordance with a budget calendar to be established by ordinance or, in the absence of ordinance, a preliminary budget by September 30<sup>th</sup>.

The budget shall provide a complete financial plan for all city funds and activities for the ensuing fiscal year and, except as required by law or Charter, shall be in such form as the manager deems desirable or the council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operations, it shall show proposed method of financing each such capital expenditure. For each utility operated by the city, the budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendices. The total proposed operating budget shall contain such information and be in the form prescribed by ordinance and by law.

#### **Section 11.06 – Capital Improvement Program**

The manager shall prepare and submit to the council a recommended preliminary five-year capital improvement program no later than September 30<sup>th</sup> of each year. The capital improvement program shall include a list of all capital improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity of such improvements; cost estimates; method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the facility to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process.

#### **Section 11.07 – Council Action on Budget**

The preliminary budget shall be considered in September and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The council may revise the proposed budget but no amendment of the budget shall increase the authorized expenditures to an amount greater than the estimated income. The council shall adopt the budget no later than December 31<sup>st</sup> by resolution which shall set forth the total of each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the council

deems necessary for purposes of budget control. In the event a budget is not agreed to by December 31<sup>st</sup>, the default will be the previous year's budget until an agreement is made by council. Any agreement changes after December 31<sup>st</sup> will need to be passed by resolution. The council shall also adopt a resolution levying the amount of taxes provided in the budget and the clerk shall certify the tax resolution to the county auditor in accordance with law no later than September 30<sup>th</sup>. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

#### **Section 11.08 – Enforcement of Budget**

The City Manager shall enforce strictly the provisions of the budget. The City Manager shall not authorize any payment or the incurring of any obligation by the city unless an appropriation has been made in the budget resolution and there is a sufficient unexpended balance left after deducting the total past expenditures and encumbrances against the appropriation. 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 budget resolution. Any obligation incurred by any person in the employ of the city for a purpose not authorized in the budget resolution or for any amount in excess of the amount authorized or otherwise not in compliance with the Charter shall be a personal obligation of the person incurring the obligation unless ratified by the City Manager or City Council. No check shall be issued or transfer made to any account other than one owned by the city until the claim to which it relates has been supported by an itemized bill, payroll, or time-sheet or other document approved and signed by the responsible city officer who vouches for its correctness and reasonableness.

#### **Section 11.09 – Alterations in the Budget**

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

#### **Section 11.10 – Tax Settlement with Counties**

It shall be the duty of the City Manager to see that monies belonging to the City of Granite Falls through each county are promptly turned over to the city according to law.

#### **Section 11.11 – Funds and Receipts**

There shall be maintained in the city treasury a general fund and such other funds as may be required by statute, ordinance, or resolution. The council may, by ordinance or resolution, make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate.

All receipts of money shall be in the city treasury. All such moneys, and also all moneys received upon tax judgment from the county treasurer, shall be deposited as soon as received in a financial institution as approved by the City council, said financial institution shall first furnish good and sufficient security acceptable to the City Council.

#### **Section 11.12 – Accounts and Reports**

The finance director shall be the chief accounting officer of the city and of every branch thereof, and shall perform such duties as prescribed by ordinance.

#### **Section 11.13 – City Indebtedness**

Except as provided in Sections 11.14 and 11.15, no obligations shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with laws and within the limitations prescribe by law. Except in the case of obligations for which an election is not required by this Charter or by law, no such obligations shall be issued and sold without the approval of the majority of voters voting on the questions at a general or special election.

#### **Section 11.14 – Anticipation Certificates**

At any time after January 1<sup>st</sup> the council may issue certificates of indebtedness in anticipation of state and federal aids and the collection of taxes levied the previous year for any fund and not yet collected. The total amount of certificates issued against any fund for any years together with interest thereon until maturity shall not exceed the total of state and federal aids and current taxes due to the fund and uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine, but they shall become due not later than April 1<sup>st</sup> of the year following their issuance. The proceeds of the tax levied and such state or federal aids as the governing body may have allocated for the fund against which tax anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates.

#### **Section 11.15 – Emergency Debt Certificates**

If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the original expenses of the city, or if any calamity or other public emergency necessitates the making of extraordinary expenditures, the council may by ordinance issue on such terms and in such manner as the council determines emergency debt certificates to run not to exceed three years. 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 issue of such emergency debt certificate shall state the name of the emergency and be approved by at least a majority of the council. It may be passed as an emergency ordinance.



## **CHAPTER 12 MISCELLANEOUS PROVISIONS**

### **Section 12.01 – Official Publication**

The council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.

### **Section 12.02 – Oath of Office**

Every elected or appointed officer of the city shall, before entering upon the duties of their office, will take and subscribe an oath of office in substantially the following form: “I do solemnly swear (or affirm) to support the constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as . . . (title of office) of the City of Granite Falls to the best of my judgment and ability”.

### **Section 12.03 – City Officials Conflict of Interest**

City officers involved in contracts with the city must comply with all applicable State Statutes, laws, and regulations.

### **Section 12.04 – Official Bonds**

The City Manager and such other officers or employees of the city as may be specified by ordinance or state statute shall each, before entering upon the duties of their respective office or employment give a corporate surety bond to the city as security for the faithful performance of their official duties and the safekeeping of the public funds. Such bonds shall be in such form and amount as the city determines and may be either individual or blanket bonds in the discretion of the council. They shall be approved by the City Council and filed with the City Clerk. The provisions of state laws relating to official bonds not inconsistent with this Charter shall be complied with. The premiums on such bonds shall be paid by the city.

### **Section 12.05 – City Property Cannot Be Taken by Adverse Possession**

No right, title, estate or easement of the city or any property shall be taken by adverse possession or occupancy, and no statute of limitations shall operate against the city in favor of any person occupying any public property or highway, whether such property shall have been improved or not.

### **Section 12.06 – Sales of Real Property**

No real property of the city shall be disposed of except by ordinance or resolution. The proceeds of any such sale shall be used as far as possible to retire any outstanding indebtedness incurred by the city in the purchase, construction or improvements of this or

other property used for the same public purpose; but if there be no such outstanding indebtedness, then the council may by a resolution adopted by a majority vote designate some other public use for such proceeds.

#### **Section 12.07 – Vacation of Streets**

The council may by ordinance approved by a majority of the council vacate any street or alley or other public grounds. Vacation may be made only after published notice of an opportunity for affected property owners and the public to be heard, and upon such further terms and by such procedure as the council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

#### **Section 12.08 – City to Succeed to Rights and Obligations of Former City**

The city shall succeed to all the property, rights and privileges, and shall be subject to all the legal obligations of the city under the former Charter.

#### **Section 12.9 – Statutes Not Affected by Charter**

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

#### **Section 12.10 – Existing Ordinances Continued**

All ordinances and regulations of the city are in force when this Charter takes effect, and not inconsistent with the Charter, and are continued in full force and effective until amended or repealed.

#### **Section 12.11 – Pending Condemnations and Assessments**

Any condemnation or assessment proceeding in progress when this Charter takes effect shall be collected and the lien enforced in the same manner as if this Charter had not been adopted.

#### **Section 12.12 – Ordinances to Make Charter Effective**

The council shall by ordinance, resolution, or other appropriate action take such steps as may be necessary to make effective the provisions of this Charter.