



City Charter

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City Charter of Brooklyn Center, Minnesota

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CITY CHARTER OF BROOKLYN CENTER

CHAPTER 1

NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

Section 1.01. NAME AND BOUNDARIES. The Village of Brooklyn Center in the County of Hennepin and the 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 Brooklyn Center, 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 that every power which the people of the City might lawfully confer upon themselves as a municipal corporation, by specific enumeration in this charter, shall be deemed to have been so conferred by the provisions of this section. This charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

Section 1.03. CHARTER, A PUBLIC ACT. This charter shall be a public act and need not be pleaded or proved in a case. It shall take effect thirty (30) days from and after its adoption by the voters.

CHAPTER 2

FORM OF GOVERNMENT

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

Section 2.02. BOARDS AND COMMISSIONS. There shall be no separate administrative board of health, library board, park board, or any other administrative board or commission, except for civil service commissions and boards and for the administration of a function jointly with another political subdivision. The Council shall itself be and perform the duties and exercise the powers of such boards and commissions. The Council may, however, establish boards or commissions to advise the Council with respect to any municipal function or activity, to investigate any subject of interest to the City, or to perform quasi-judicial functions.

Section 2.03. ELECTIVE OFFICERS. The Council shall be composed of a Mayor and four Council members who shall be registered voters of Brooklyn Center, and who shall be elected at large. Each Council member shall serve for a term of four (4) years. The Mayor shall serve for a term of four (4) years. The Council shall be canvassers of the election of the Mayor and the Council members.

Section 2.04a. INCOMPATIBLE OFFICES. No member of the Council shall be appointed City Manager, nor shall any member hold any other paid municipal office or employment for the City; and until one (1) year after the expiration of the member's term or the member's resignation as Mayor or Council member, no former member shall be appointed to any paid appointive office or employment for the City except as provided in Section 2.05.

Section 2.04b. PRIVATE EMPLOYMENT. No former Mayor or Council member may, within one (1) year after leaving the position, appear or participate in proceedings before the Council except to represent the former member's own personal interests as a private citizen of the City of Brooklyn Center.

Section 2.05. VACANCIES IN THE COUNCIL. When, for any reason, a vacancy should occur in the City Council or office of the Mayor, the City Council must publicly declare such vacancy and specify the date of occurrence of the vacancy within ten (10) days of its occurrence. Notice of the vacancy shall be posted at City Hall and sent to the official city newspaper on the next business day. The Mayor or Council member shall forfeit the office for (1) lack at any time during the term of office of any qualification for the office prescribed by this charter or by law, (2) violation of any express prohibition of this charter, (3) conviction of a crime involving moral turpitude, (4) failure to attend three consecutive regular meetings of the Council without being excused by the Council, or (5) departure of residence from the City. If the unexpired term of the Council vacancy is less than one year from the date of the occurrence of the vacancy, the Council by a majority vote of all its remaining members may either appoint a qualified person to fill the vacancy or call for a

special election. If the unexpired term of the Council vacancy is one year or longer, a special election shall be called by the Council or by the City Clerk if the Council fails to act within thirty (30) days of the occurrence of the vacancy. Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold public office shall be posted at City Hall and sent to the official city newspaper on the next business day. A quorum of the Council consists of three (3) members; if at any time the membership of the Council is reduced to fewer than three (3) members, the remaining members may by unanimous action appoint additional members to raise the membership to three (3) without following the procedures set forth in Section 2.05b.

Section 2.05a. PROCEDURES TO FILL COUNCIL VACANCIES BY SPECIAL ELECTION. If the unexpired term of the council vacancy is one year or longer, or if the unexpired term of the Council vacancy is less than one year and the Council chooses not to fill the vacancy through the appointment process, a special election shall be called by the Council or by the City Clerk if the Council fails to act within thirty (30) days of the occurrence of the vacancy. The special election shall be held not sooner than sixty (60) days and not later than two hundred (200) days following the occurrence of the vacancy. Except as provided in this Section and Section 4.03 of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

Section 2.05b. PROCEDURES TO FILL COUNCIL VACANCIES BY COUNCIL APPOINTMENT. If the unexpired term of the council vacancy is less than one year, the Council by a majority vote of all its remaining members may appoint a qualified person to fill the vacancy. Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold public office shall be posted at City Hall and sent to the official city newspaper on the next business day and shall include the following description of the application and appointment process, which shall be followed by the City Council:

1. Uniform applications in a form approved by the City Council must be received by the City Clerk, no later than twenty-one (21) days from the date of the declared vacancy. Application forms submitted by the applicants are public documents. Applications shall request, at a minimum, all information required by Minnesota Statutes of candidates filing for the office. Additional information forms may be adopted by the City Council and shall be required of each applicant uniformly. The applicant may submit a resume, in addition to the uniform application forms.
2. Tentative interview scheduling shall be completed and posted at City Hall no later than twenty-five (25) days from the declared vacancy. Applicants shall be responsible for requesting schedule changes.
3. Interview process shall not start earlier than twenty-eight (28) days from the declared vacancy.
 - a. Applicants shall be interviewed by the Council, in accordance with the State of Minnesota open meeting laws.

- b. A uniform list of initial questions to be asked of all applicants shall be made available to the public and the applicants in advance of interviews. To the extent reasonably practicable, questions asked of all applicants at the interviews shall be uniform.
4. Selection Process. Upon completion of the interview process, the Council may call for a vote to appoint an applicant. Each Council member may cast only one vote for a preferred applicant on each called-for vote to appoint. No vote, which does not result in a majority vote for one candidate, shall result in elimination from consideration of any candidate. Written ballots listing the applicant(s) shall be used. Each Council member's vote shall be recorded. A simple majority of the Council votes shall appoint that applicant to the City Council.
5. If the Council pursues the appointment process but then fails to fill a vacancy within forty-five (45) days from the occurrence of the vacancy, the City Clerk shall call a special election to fill the vacancy. The special election shall be held not sooner than one hundred five (105) days and not later than two hundred (200) days following the occurrence of the vacancy. Except as provided in this Section and Section 4.03 of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.
6. The City shall comply with the Minnesota Data Practices Act in all respects in the collection, management, and dissemination of data on applicants for City Council vacancies.

Section 2.06. THE MAYOR. The Mayor shall be the presiding officer of the Council, except that the Council shall choose from its members a president pro tem who shall hold office at the pleasure of the Council and shall serve as president in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall have a vote as a member of the Council and shall exercise all powers and perform all duties conferred and imposed upon the Mayor 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 the purpose of serving civil process, and by the Governor for the purposes of martial law. The Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency the Mayor will coordinate with the City Manager, Police Chief, Fire Chief and other City leaders, which could include requesting assistance from local, state, and federal agencies, maintain order and enforce the law.

Section 2.07. SALARIES. The Mayor and the members of the Council shall receive payment as set by ordinance. No change in salary shall take effect until the January 1 following the next succeeding municipal general election. The City Manager and all the subordinate officers and employees of the City shall receive such salaries or wages as may be fixed by the Council.

Section 2.08. INVESTIGATION OF CITY AFFAIRS. The Council and the City Manager, or either of them, and any officer or officers formally authorized by them, or either of them, shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The Council shall provide for an audit of the City's accounts at least once a year by the State department in charge of such work or by a certified public accountant. The Council may at any time provide for an examination or audit of the City government, and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.09. INTERFERENCE WITH ADMINISTRATION. The Council shall by ordinance establish a merit system in all or part of the City administration, but neither the Council nor any of its members shall dictate the appointment of any person to office or employment by the City Manager except as provided in Chapter 6 of this charter. Except for the purpose of inquiry, the Council and its members shall deal with and control the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

CHAPTER 3

PROCEDURE OF COUNCIL

Section 3.01. COUNCIL MEETINGS. The City Council shall hold regular meetings at such time and place as it by motion shall determine. Officers elected at the time of a municipal general election provided for by this charter shall be sworn in and assume the duties of the office to which they were elected on or after the first business day of January, or at the first City Council meeting in January, or as soon thereafter as practical. Officers elected at a special election shall be sworn in and assume the duties of office to which they were elected on any business day or at any City Council meeting after the issuance by the City Clerk of the Clerk's certificate of election. Newly appointed Council members shall take the oath of office and assume the duties of office upon appointment, or on any business day, or at any Council meeting after being appointed. The Mayor or any two members of the Council may call special meetings of the Council upon at least twenty-four (24) hours' written notice to each member of the Council. Such notice shall be delivered personally to each member or shall be left at the member's usual place of residence with some responsible person. All meetings of the Council shall be in compliance with the Minnesota Open Meeting Law, and any records thereof shall be made available at all reasonable times.

Section 3.02. SECRETARY OF COUNCIL. The City Clerk or the City Clerk's designee shall act as Secretary of the Council. The Clerk shall keep a journal of Council proceedings and such other records and perform such other duties as may be required by this charter or as the Council may require. The Council shall choose such other officers and employees as may be necessary to serve at its meetings. In the absence of the City Clerk, the Council may designate any other official or employee of the City (except the City Manager or a member of the Council) to act as Secretary of the Council.

Section 3.03. RULES OF PROCEDURE AND QUORUM. The Council shall determine its own rules and order of business. A majority of all members shall constitute a quorum to do business, but a smaller number may adjourn from time to time. The Council may by ordinance provide a means by which a minority may compel the attendance of absent members.

Section 3.04. ORDINANCES, RESOLUTIONS AND MOTIONS. Except as otherwise provided in this charter, all legislation shall be by ordinance. The aye and no vote and abstentions on ordinances, resolutions and motions shall be recorded. An affirmative vote of a majority of all the members of the Council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter.

Section 3.05. PROCEDURE ON ORDINANCES. The enacting clause of all ordinances shall be in the words "City of Brooklyn Center does ordain". Every ordinance shall be presented in writing. No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced, and at least seven (7) days shall elapse between its introduction and its final passage. Every ordinance, other than an emergency ordinance, shall be published in the official newspaper at least one week prior to the final passage.

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

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

Section 3.08. SIGNING AND PUBLICATION OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution passed by the Council shall be signed by the Mayor, or Acting Mayor, within 48 hours of being passed by the City Council, attested by the City Clerk, and filed and preserved. Every ordinance shall be published at least once in the official newspaper.

Section 3.09. WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT. A resolution and emergency ordinance shall take effect immediately upon its passage or at such later date as is fixed in it. 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 times as is fixed therein.

Section 3.10. AMENDMENT AND REPEAL OF ORDINANCES. Every ordinance repealing a previous ordinance, section or subdivision thereof shall give the number, if any, and the title of the ordinance to be repealed in whole or in part. No ordinance, section, or subdivision thereof shall be amended by reference to the title alone. Such an amending ordinance shall set forth in full each section or subdivision to be amended and shall indicate new matter by underscoring, and the old matter to be omitted, by strikethrough method. In newspaper publication of ordinances, the same indications of omitted and new matter shall be used except that italics or bold-faced type may be substituted for underscoring and omitted matter be printed using the strikethrough method.

Section 3.11. CODIFICATION AND PUBLICATION OF ORDINANCES. The City shall codify and publish an ordinance code in book, pamphlet or continuous reference loose leaf form. Copies shall be made available by the Council at the office of the City Clerk for general distribution to the public in accordance with Council policy. The City Code shall be published and maintained on the City's website.

CHAPTER 4

NOMINATIONS AND ELECTIONS

Section 4.01. THE MUNICIPAL GENERAL ELECTION. A municipal general election shall be held on the first Tuesday after the first Monday in November of even-numbered years at such place or places as the City Council may designate. The City Clerk shall give at least two (2) weeks previous notice of the time and place of holding such election and of the officers to be elected and such other matters to be voted upon by posting in at least one public place in each voting precinct and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

Section 4.02. PRIMARY ELECTIONS. On Tuesday, at least six (6) weeks in advance of the municipal general election, there shall be a primary election for the selection of two nominees for each elected office at the municipal general election unless no more than two nominees file for each elective office. [City Clerk's Note: Minnesota Statutes, Section 205.065, Subd. 1 provides that a municipal primary for the purpose of nominating elective officers may be held in any city on the second Tuesday in August of any year in which a municipal general election is to be held for the purpose of electing officers.] When two vacancies exist on the Council and the number of candidates is more than four, the four candidates receiving the highest number of votes shall be the nominees for the offices named. The City Clerk shall give at least two (2) weeks previous notice of the time and place of holding such election and of the officers to be elected by posting in at least one (1) public place in each voting precinct and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

Section 4.03. SPECIAL ELECTIONS. The Council may by resolution order a special election and provide all means for holding it. At least three (3) weeks of weekly published notice of a special election shall be given in the official newspaper. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.04. FILE BY FEE OR BY PETITION. Upon receiving a completed Affidavit of Candidacy form and the payment of a filing fee of twenty-five dollars (\$25) by a potential candidate or filing by the petition of fifty (50) registered voters on behalf of the candidate, the Clerk shall certify the eligibility of the candidate and place the name of the candidate upon the election ballot without partisan designation.

Section 4.05. WITHDRAWAL OF CANDIDATE. Any person whose name has been presented in the manner provided for in the foregoing section as a candidate may, no later than 5:00 p.m. two days after the last day for filing, cause such name to be withdrawn from nomination by filing with the City Clerk a request to do so in writing, and no name so withdrawn shall be printed upon the ballot.

Section 4.06. WRITE-IN CANDIDATES. A candidate for city office who wants write-in votes for the candidate to be counted must file a written request with the filing officer for the office sought no later than the seventh (7th) day before the municipal general election or special election. The filing officer shall provide copies of the form to make the request.

Section 4.07. CANVASS OF ELECTION. The Council shall meet and canvass the election returns between the third (3rd) and the tenth (10th) day after any general, primary or special election, and shall make full declaration of the results as soon as possible, and file a statement thereof with the City Clerk. This statement shall include: (a) the total number of good ballots cast; (b) the total number of spoiled or defective ballots; (c) the true vote for each candidate, with an indication of those who were elected or nominated; (d) a true copy of the ballots used; (e) the names of the judges and clerks of election; and (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected or nominated of their election or nomination. In case of a tie vote, the Council shall determine the result by lot. The City Clerk shall be the final custodian of the ballots.

Section 4.08. PROCEDURE AT ELECTIONS. The City Council may by ordinance adopt such rules and regulations as may be necessary or desirable to regulate the conduct of elections subject to the provisions of this charter and the laws of the State of Minnesota when applicable.

CHAPTER 5

INITIATIVE AND REFERENDUM

Section 5.01. POWERS RESERVED BY THE PEOPLE. The people of Brooklyn Center reserve to themselves the power, in accordance with the provisions of this charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes, and to require an ordinance when adopted by the Council to be referred to the registered voters for approval or disapproval. These powers shall be called the initiative and referendum.

Section 5.02. EXPENDITURES BY PETITIONERS. 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 the circulation thereof, but this shall not prevent the committee from incurring expenses for legal advice, stationery, copying, printing, advertising and notaries' fees. The committee, at least five (5) days before the election, shall file with the City Manager a financial statement verified by a member of the committee, which shall show in itemized detail, all receipts, with the source thereof, and all disbursements and all obligations to make disbursements. Any violation of the provisions of this paragraph shall constitute a misdemeanor.

Section 5.03. INITIATION OF MEASURES. Any five (5) registered voters may form themselves into a committee for the initiation of any ordinances except an ordinance appropriating money or authorizing the levy of taxes. Before circulating any petition they shall file a verified copy of their proposed ordinance with the City Clerk, together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors thereof.

Section 5.04. FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters equal to at least five per cent (5%) of the total number of registered voters at the time of the last municipal general 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 the ordinance) a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of voters:

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

The undersigned qualified 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 vote of the voters for their approval or disapproval:

| Name | Address |
|----------|---------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |

(At the end of the list of signatures shall be appended the Affidavit of the circulator mentioned above.)

Section 5.05. FILING OF PETITION AND ACTION THEREON. All the signature papers shall be filed in the office of the City Clerk as one instrument. Within five (5) days after the filing of the petition, the City Clerk shall ascertain by examination, the number of registered voters whose signatures are appended thereto and whether this number is at least five per cent (5%) of the total number of registered voters at the time of the last municipal general election.

If the Clerk finds the petition insufficient or irregular, the Clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for such finding. The committee shall then be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the Clerk shall so notify each member of the committee of that fact and file the petition as an official City record. 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 general or special election.

Section 5.06. ACTION OF COUNCIL ON PETITION. When the petition is found to be sufficient, the City Clerk shall so certify to the Council at its next regular meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute, and the Council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or Council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty-five (65) days after the date upon which it was submitted to the Council by the City Clerk. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the Council to a vote at the next municipal general election, but if the number of signers of the petition is equal to at least fifteen (15) per cent of the total number of registered voters at the time of the last municipal general election, the Council shall call a special election upon the measure. Such special election shall be held not less than thirty (30) nor more than forty-five (45) days from the date of final action on the ordinance by the Council or after the expiration of sixty-five (65) days from the date of submission to the Council when there has been no final action; but if a general election is to occur within three (3) months, the Council may submit the ordinance at that election. If the Council passes the proposed ordinance with amendments and at least four-fifths (4/5) of the committee of petitioners do not express their dissatisfaction with such amended form by a statement filed with the City Clerk within ten (10) days of the passage thereof by the Council, the ordinance need not be submitted to the voters.

Section 5.07. INITIATIVE BALLOTS. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. If a majority of the votes on any such ordinance are in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election, but the voters shall be allowed to vote for or against each separately. In case of inconsistency between two (2) initiated ordinances approved at one election, the one (1) approved by the higher percentage of voters voting on the question shall prevail to the extent of the inconsistency.

Section 5.08. AMENDMENT OR REPEAL. Any ordinance adopted by the vote of the people cannot be repealed or amended except by a vote of the people.

Section 5.09. INITIATION OF CHARTER AMENDMENTS. Nothing in this charter shall be construed as in any way affecting the right of the registered voters, under the constitution and statutes of Minnesota, to propose amendments to this charter.

MINNESOTA STATUTES ANNOTATED

Section 410.12 Subdivision 7

Charter Amendment by Ordinance

Subd. 7. Amendment by ordinance. Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance. Such an ordinance, if enacted, shall be adopted by the council by an affirmative vote of all its members after a public hearing upon two

weeks published notice containing the text of the proposed amendment and shall be approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. Such petition shall be signed by qualified voters equal in number to two per cent of the total number of votes cast in the city at the last state general election or 2,000 whichever is less. If the city has a system of permanent registration of voters, only registered voters are eligible to sign the petition. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of charter amendments submitted by the charter commission, the council, or by petition of the voters, except that the council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance. As far as practicable the requirements of (Minnesota Statutes 410.12) subdivisions 1 to 3 apply to petitions submitted under this section, to an ordinance amending a charter, and to filing of such ordinance when approved by the voters.

Section 5.10. THE REFERENDUM. If prior to the date when an ordinance takes effect a petition signed by qualified registered voters of the City equal in number to ten (10) per cent of the total number of registered voters at the time of the last municipal general 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 thereby be prevented from going into operation. The Council shall thereupon reconsider the ordinance at its next regular meeting, and by a 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 thereon, or submit the ordinance at the next municipal general election, pending which the ordinance shall remain suspended. If a majority of the voters voting on the ordinance is opposed to the ordinance, it shall not become effective; but if a majority of the voters favor the ordinance, it shall go into effect immediately or on the date therein specified.

Section 5.11. REFERENDUM PETITION. The requirements laid down in Section 5.03 and 5.04 above as to the formation of committees, the form of petitions and signature papers, for the initiation of ordinances shall apply to the referendum, but with such changes as may be necessary. A referendum petition shall read substantially 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 voters:

Name

Address

1. _____
2. _____
3. _____
4. _____
5. _____

The Undersigned qualified registered voters, 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 repeal, or in lieu thereof, for its submission to a vote of the voters for their approval or disapproval.

Name

Address

- | | |
|----------|-------|
| 1. _____ | _____ |
| 2. _____ | _____ |
| 3. _____ | _____ |

(At the end of the list of signatures shall be appended the Affidavit of the circulator mentioned above.)

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

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

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

Section 6.02. POWERS AND DUTIES OF THE CITY MANAGER.

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

Subdivision 2. The City Manager shall see that this charter and the laws and resolutions of the City are enforced.

Subdivision 3. The City Manager shall appoint, upon the basis of merit and fitness 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, whose appointment and removal shall be at the discretion of the Council.

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

Subdivision 5. The City Manager shall attend all meetings of the Council, unless excused by the Mayor, with the right to take part in the discussion, but not to vote; but the Council may in its discretion exclude the City Manager from any meeting at which the removal of the City Manager is considered.

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

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

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

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

Section 6.03. DEPARTMENTS OF ADMINISTRATION. The Council may create or abolish such departments, division, and bureaus for the administration of the City's affairs as may seem necessary, and from time to time alter their powers and organization. It may, in conjunction with the City Manager, prepare a complete administrative code for the City and enact it in the form of an ordinance, which may be amended from time to time by ordinance.

Section 6.04. SUBORDINATE OFFICERS. There shall be a City Clerk, City Treasurer, and such other officers subordinate to the City Manager as the Council may create by ordinance. The City Clerk shall be subject to the direction of the City Manager, and shall have 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 City Treasurer 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 City Treasurer. 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 6.05. PURCHASES AND CONTRACTS. The City Council shall by resolution establish and maintain a purchasing policy for the City of Brooklyn Center. 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 6.06. CONTRACTS: HOW LET. Every contract for the purchase of supplies, materials, equipment or the rental thereof, the construction, alteration, repair or maintenance of real or personal property shall be in accordance with the Uniform Municipal Contracting Law, M.S.A. Section 471.345. Subject to the provisions of this charter, the Council may by resolution adopt further regulations for the making of bids and the letting of contracts.

Section 6.07. GRANT POLICY. The City shall maintain a grant policy.

CHAPTER 7

TAXATION AND FINANCES

Section 7.01. COUNCIL TO CONTROL FINANCES. The Council shall have full authority over the financial affairs of the City, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the 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 7.02. FISCAL YEAR. The fiscal year of the City shall be the calendar year.

Section 7.03. SYSTEM OF TAXATION. Subject to the State constitution, and except as forbidden by it or by State legislation, the Council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the City shall conform as fully as possible to the general State law as to the assessment of such property and the collection of such taxes.

Section 7.04. BOARD OF APPEAL AND EQUALIZATION. The Council shall constitute a Board of Appeal and Equalization to equalize assessments of property for taxation purposes according to law.

Section 7.05. PREPARATION OF THE ANNUAL BUDGET. The City Manager shall prepare the estimates for the annual budget. The budget shall be by funds and shall include all the funds of the City except the funds made up of proceeds of bond issues, public service enterprise funds, and special assessments funds, and may include any of such funds at the discretion of the Council. The estimates of expenditures for each fund budgeted shall be arranged for each department or division of the City. The budget shall show the income and expenditures classified in accordance with generally accepted accounting principles. The City Manager shall submit with the estimates such explanatory statements as the City Manager may deem necessary, and under this charter, the City Manager shall interpret this section as requiring comparisons of the City's finances with the two previous budgets of this municipality.

Section 7.06. PASSAGE OF ANNUAL BUDGET. At least thirty (30) days prior to the adoption of the proposed annual budget and/or property tax levy required by state law, the City Manager shall submit a preliminary proposed budget and/or property tax levy to the City Council. Public hearings, notices of public hearings, and other legal publication requirements shall be in accordance with state law. Complete copies of the City Manager's proposed budget shall be available for public view at all meetings at which the Council reviews the proposed budget. 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. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purpose according to Section 7.05. The total sum appropriated shall be equal to the total estimated revenue and allocated surplus. The Council shall adopt the budget not later than three (3) calendar days prior to the statutory requirement for certification of the budget to the County Auditor by a resolution which shall set forth the total for

each budgeted fund and each department with such segregation as to objects and purposes of expenditures as the Council deems necessary for purposes of budget control. The Council shall also adopt a resolution levying 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 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 resolution and no other.

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

Section 7.08. ALTERING OR ADJUSTING THE BUDGET. After the budget shall have been duly adopted, the Council shall have no power to increase the amounts fixed in the budget resolution, by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. This provision shall in no way be construed as limiting the discretion of the Council to appropriate monies from accumulated surplus in an amount equal to a previous appropriation if not, in fact, expended or encumbered for that purpose in the previous fiscal year. The Council may at any time, by resolution approved by a four-fifths (4/5) majority of its members, reduce the sums appropriated for any purpose by the budget resolution. The Council may, by a majority vote of its members, transfer unencumbered appropriation balances from one office, department or agency to another within the same fund. All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered.

Section 7.09. CONTINGENCY APPROPRIATION IN BUDGET. The Council may include a contingency appropriation as a part of the budget but not to exceed five per cent (5%) of the total appropriation of the general fund made in the budget for that year. A transfer from the contingency appropriation to any other appropriation shall be made only by a majority vote of the members of the Council. The funds thus appropriated shall be used only for the purposes designated by the Council.

Section 7.10. DISBURSEMENTS. HOW MADE. No disbursements of City funds shall be made except by means as allowed in Minnesota statutes. Payments may be check shall bear the actual or facsimile signature of the City Manager and the Treasurer. Each disbursement shall specify the purposes for which the disbursement is made and the fund from which it is drawn, or a payment register shall be prepared and maintained which shall contain the aforementioned information. No payment shall be made until there is money to the credit of the fund from which it is to be paid,

sufficient to pay it together with all outstanding encumbrances upon the fund. No payment shall be made until the claim to which it relates has been supported by an itemized bill, payroll, time sheet, or contract approved and signed by the responsible City officer who vouches for its correctness and reasonableness. The City Manager shall note on each contract requiring the payment of money by the City the particular fund out of which it is to be paid. The Council may by ordinance make further regulations for the safekeeping and disbursement of the funds of the City.

Section 7.11. FUNDS TO BE KEPT. There shall be maintained in the City Treasury a classification of funds which shall provide for a general fund for the payment of such expenses of the City as the Council may deem proper, and such other funds as may be required by statute, ordinance or resolution. The Council shall have full power by ordinance or resolution to make interfund loans, except from trust and agency funds, as may be deemed necessary and appropriate from time to time. The Council shall have full authority by ordinance or resolution to make permanent transfers between all funds which may be created, provided that such transfers are not inconsistent with the provisions of relevant covenants, the provisions of this charter or State statute.

Section 7.12. ACCOUNTS AND REPORTS. 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 adopted in accord therewith. The City Manager shall submit to the Council a statement each month showing the amount of money in the custody of the City Treasurer, the status of all budgeted funds, and such other information about the finances of the City as the Council may require. Once each year, on or before the last day of June, the City Manager shall submit an audited report to the Council covering the entire financial operations of the City for the past year. Such report, or summary thereof, shall be published in the official City newspaper on or before July 31 of each year.

Section 7.13. CITY INDEBTEDNESS. Except as provided in Section 7.14 and 7.15 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 law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or by state law, no such obligations shall be issued and sold without the approval of the majority of the registered voters of the City voting on the question at a general or special election.

Section 7.14. TAX ANTICIPATION CERTIFICATES. At any time after January 1 following the making of an annual tax levy, the Council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed 90 per cent (90%) of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the Council may determine and shall bear interest at no more than the lawful rate, but they shall become due and payable not later than the first (1st) day of April of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the

City shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Section 7.15. EMERGENCY DEBT CERTIFICATES. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, the Council may by ordinance or by emergency ordinance, issue and sell on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed two (2) years and to bear interest not to exceed the maximum limit provided by law.

CHAPTER 8

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

Section 8.01. POWER TO MAKE IMPROVEMENTS AND LEVY ASSESSMENTS. The City shall have the power to make any and every type of public improvement not forbidden by the laws of this State and to levy special assessments for all or any part to the cost of such improvements as are of a local character, pursuant to the laws of the State of Minnesota.

Section 8.02. ASSESSMENTS FOR SERVICES. The Council may provide by ordinance that the cost of snow, rubbish or weed removal, and sprinkling or any other service to streets, sidewalks, or other public property, or the cost of any service to other property, undertaken by the City may be assessed against the property benefited and collected in like manner as are special assessments.

Section 8.03. LOCAL IMPROVEMENTS REGULATIONS. After this charter takes effect local improvements commenced prior thereto shall be completed and assessments may be levied and securities issued for the financing thereof as prescribed by the law applicable thereto. The Council may prepare and adopt a comprehensive ordinance prescribing the procedure which shall be followed thereafter in making all local improvements and levying assessments therefor. Such ordinances shall be amended only by an affirmative vote of at least four-fifths (4/5) of the members of the Council. In the absence of such ordinances all local improvements may be made and assessments levied therefor as prescribed by any applicable law.

Section 8.04. PUBLIC WORKS: HOW PERFORMED. Public works, including all local improvements, may be constructed, extended, repaired, and maintained either directly by day labor or by contract. The City shall require contractors to give bonds or other guarantees approved by the City Manager for the protection of the City and all persons furnishing labor and materials pursuant to the laws of the State.

CHAPTER 9

EMINENT DOMAIN

Section 9.01. POWER TO ACQUIRE PROPERTY. The City may acquire by purchase, gift, devise, or condemnation, any property, real or personal, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose. Easements for slopes, fills, access, drainage, 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 law.

Section 9.02. PROCEEDINGS IN ACQUIRING PROPERTY. The necessity for the taking of any property by the City shall be determined by the Council and shall be declared by a resolution which shall describe such property clearly and state the use to which it is to be devoted. In acquiring property by exercising the power of eminent domain, the City shall proceed according to the laws of this state, except as otherwise provided in this charter.

Section 9.03. PAYMENT OF AWARD. The City shall, within seventy (70) days after the filing of the commissioner's report, or in case of an appeal within forty-five (45) days after the final judgments or stipulations of settlement thereon, pay any award of damages allowed pursuant to this section and State law whether by the commissioners or upon appeal.

Section 9.04. CITY MAY DISMISS PROCEEDINGS. The City may dismiss all or part of the property being acquired in a condemnation proceeding. When the proceeding is dismissed, the City shall pay all reasonable costs and expenses incurred by the condemnee including attorney's fees.

Section 9.05. CITY MAY TAKE ENTIRE PLANT. If the City condemns a public utility which is operated at the time of the commencement of the condemnation proceeding as one property or one system, it shall not be necessary in the condemnation proceedings or any of the proceedings of the Council, to describe or treat separately the different kinds of property composing such system; but all of the property, lands, articles, franchises, franchise values, and rights which comprise such system may, unless otherwise ordered by the court, be treated together as one property and an award for the whole property in one lump sum may be made by the commissioners or other body assessing the damages on condemnation. This does not prevent the City, when the plant and property are separable into distinct parts, from acquiring only such part or parts thereof as may be necessary in the public interest.

CHAPTER 10

FRANCHISES

Section 10.01. FRANCHISES REQUIRED. The Council may grant to a person, firm, or corporation a franchise as a privilege to operate a public utility or service within the City, 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 therefor from the City. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. Every ordinance granting a franchise shall contain all the terms and conditions of the franchise. The grantee shall bear the costs of publication of the franchise ordinance and shall make a sufficient deposit with the Clerk to guarantee publication before the ordinance is passed.

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

Section 10.03. PUBLIC HEARING. Before any franchise or privilege ordinance is adopted, altered, modified, extended or renewed, the Council shall hold a public hearing upon ten (10) days published notice in the official newspaper. Additional notice of such hearing may be given in such a manner as the Council may determine.

Section 10.04. POWER OF REGULATION RESERVED. Subject to the applicable law, the Council shall retain and reserve the power to alter, modify, regulate and control the exercise of any existing franchise or privilege, including the maximum rates, fares or prices charged by the grantee, whenever it appears necessary in the public interest so to do. 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 10.05. RENEWALS OR EXTENSIONS. Every extension, renewal or modification of any existing franchise or of any franchise granted hereafter shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11

PUBLIC OWNERSHIP AND OPERATIONS OF UTILITIES

Section 11.01. 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 acquisition action may only be taken by an ordinance, approved by a majority of the electors voting thereon, at a general or special election. The operation of all public utilities owned by the City shall be under the supervision of the City Manager.

Section 11.02. RATES AND FINANCES. Upon recommendation 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 and shall not use any municipal utility operation directly or indirectly as a general revenue producing agency for the City. Before any rates, fares or prices for municipal utilities shall be fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 11.06. 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 11.03. PURCHASE IN BULK. The Council may, in lieu of providing for the local production of gas, electricity, water and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix. Before such rates are fixed by the Council, the Council shall hold a public hearing on the matter in accordance with Section 11.06.

Section 11.04. LEASE OF PLANT. The Council may, if the public interests will be served thereby, contract with any responsible person, co-partnership or corporation for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an ordinance approved by a majority of the electors voting thereon, at a general or special election. In no case shall such contract be for a longer term than ten (10) years.

Section 11.05. PUBLIC UTILITY. HOW SOLD. No public utility owned by the City shall be sold or otherwise disposed of by the City unless the full terms of the proposition of sale or other disposition are embodied in an ordinance approved by a majority of the electors voting thereon, at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of State law.

Section 11.06. 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 may be given in such manner as the Council may determine.

CHAPTER 12

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 12.01. OFFICIAL PUBLICATIONS. The Council shall annually 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 officer of the City shall, before entering upon the duties of the office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution of the United States and of this State to discharge faithfully the duties devolving upon me as (Mayor, Council member, City Manager, etc.) of the City of Brooklyn Center to the best of my judgment and ability".

Section 12.03. CITY OFFICERS AND EMPLOYEES NOT TO BE INTERESTED IN CONTRACTS. Except as otherwise permitted by law, no officer or employee of the City who is authorized to take part in any manner in any contract with the City shall voluntarily have a personal financial interest in such contract or personally benefit therefrom.

Section 12.04. OFFICIAL BONDS. The City Manager, the City Clerk, the City Treasurer, and such other officers or employees of the City as may be provided for by ordinance shall each before entering upon the duties of such respective office or employment, give a corporate surety bond to the City in such form and in such amount as may be fixed by the Council as security for the faithful performance of prescribed 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 City Council, and approved as to form by the City Attorney, and filed with the City Clerk. The provisions of the laws of the State relating to official bonds not inconsistent with this charter shall be complied with. The premiums on such bonds shall be paid by the City.

Section 12.05. SALES OF REAL PROPERTY. No real property of the City shall be disposed of except by ordinance. The proceeds of any sale of such property shall be used, as far as possible, to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of this property. Whenever the outstanding indebtedness against the sold property has been satisfied, the remaining proceeds shall be used for any of the following purposes:

- (1) Purchase additional real property or construct or make improvements on existing City-owned real property.
- (2) Reduce indebtedness on other City-owned real property.
- (3) Establish a reserve for future acquisition or improvement of real property.

Section 12.06. VACATION OF STREETS. The Council may by ordinance approved by at least four-fifths (4/5) of the members of the Council vacate any street or alley or part thereof within the City. Such vacation may be made only after published notice and an opportunity for affected property owners and public to be heard, and upon such further terms and by such procedure as the Council by ordinance may prescribe. A notice of completion of such proceedings shall be filed with the proper county officers in accordance with law.

Section 12.07. CITY TO SUCCEED TO RIGHTS AND OBLIGATIONS OF FORMER MUNICIPALITY. The City of Brooklyn Center shall remain vested with and continue to have, hold, and enjoy all property, property rights, rights of action, and rights of every kind, privileges and immunities now belonging to or pertaining to the Village of Brooklyn Center, and shall be subject to all liability which exist against said Village on said date of charter. The municipal liquor stores which have been established in the Village of Brooklyn Center shall continue and may be operated by the City in the same manner as before the adoption of this charter. Nothing in this charter shall be construed as limiting in any manner such continuance or restricting in any way the addition of new stores or relocation of existing stores, provided, however, that the liquor dispensary may be disestablished by a majority vote of those electors voting on the question.

Section 12.08. PRESENT OFFICERS TO HOLD OFFICE TILL WHEN. The present officers of the City shall continue in their respective offices and functions until their successors are chosen and qualify, and shall continue to govern the City in the usual manner. They shall make such financial and other provisions as will serve to carry on the government until a government has been set up under this charter.

Section 12.09. 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 Center operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Brooklyn Center, and shall be construed as supplementary to the provisions of this charter.

Section 12.10. EXISTING ORDINANCES AND RESOLUTIONS CONTINUED. 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 12.11. PENDING CONDEMNATIONS 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 were 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 had not been adopted.

Section 12.12. ORDINANCES 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 12.13. FINES AND PENALTIES.

Subdivision 1. The Council shall establish by ordinance a procedure for imposing an administrative penalty for violations of the City Code or a City ordinance. The procedure shall provide that any party charged with an administrative penalty will receive notice of a violation and an opportunity to be heard by a neutral party. The procedure shall authorize the City to use the services of a third party hearing officer to decide whether an administrative penalty should be imposed.

Subdivision 2. Upon passage of an administrative penalty ordinance, the City Council shall provide by ordinance that unpaid administrative penalties be collected as a special assessment against property. The ordinance shall provide that the City will first attempt to obtain voluntary payment of the penalty. The ordinance shall also provide that notice and opportunity to be heard be given to the property owner listed on the official tax records before the penalty is assessed.

BROOKLYN CENTER CITY CHARTER CHRONOLOGY

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Referendum vote conducted the 8th day of November 1966.

Effective the 8th day of December 1966.

AMENDMENTS

- Chapter 2 amended by Ordinance No. 73-10 effective August 22, 1973.
- Chapter 6 amended by Ordinance No. 76-12 effective November 8, 1976.
- Chapters 2, 3, 4, 5, 6, 7, 11, and 12 amended by Ordinance No. 80-9 effective February 1, 1980.
- Chapter 12, amended by Ordinance No. 81-5 effective August 1, 1981.
- Chapters 2, 3, 5, 6, 7, 8, 9, 11, and 12 amended by Ordinance No. 84-4 effective June 6, 1984.
- Chapters 2 and 4 amended by referendum vote on November 4, 1986, effective December 4, 1986. See Resolution No. 86-159.
- Chapter 6 amended by Ordinance No. 88-01 effective April 10, 1988.
- Chapter 7 amended by Ordinance No. 90-18 effective January 22, 1991.
- Chapter 3 amended by Ordinance No. 91-04 effective August 11, 1991.
- Chapter 2 amended by referendum vote on November 3, 1992, effective December 3, 1992. See Resolution No. 92-205.
- Chapter 2 amended by Ordinance No. 94-13 effective December 19, 1994.
- Chapter 6 amended by Ordinance No. 96-16 effective February 18, 1997.
- Chapter 7 amended by Ordinance No. 2002-05 effective August 20, 2002.
- Chapter 4 amended by Ordinance No. 2003-01 effective June 18, 2003.
- Chapter 3 amended by Ordinance No. 2004-14 effective October 20, 2004.
- Chapters 3 and 4 amended by Ordinance No. 2007-06 effective October 17, 2007.
- Chapter 12 amended by referendum vote on November 4, 2008, effective December 4, 2008, See Resolution No. 2008-125.
- Chapters 2, 4, 5, 6, and 9 amended by Ordinance No. 2015-03 effective July 1, 2015.
- Chapter 6 amended by Ordinance No. 2015-06 effective September 16, 2015.
- Chapter 4 amended by Ordinance No. 2016-03 effective July 20, 2016.
- Chapters 2, 3, 4, and 5 amended by Ordinance No. 2016-06 effective October 5, 2016.
- Chapter 7.10 amended by Ordinance No. 2019-08 effective December 16, 2019.
- Chapter 2.06 amended by Charter Referendum (initiated by Charter Commission) vote on November 8, 2022
- Chapter 3.08 amended by Charter Referendum (initiated by Charter Commission) vote on November 8, 2022
- Chapter 6.07 amended by Charter Referendum (initiated by Charter Commission) vote on November 5, 2024