

CHARTER
of the
City of International Falls
MINNESOTA

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PREAMBLE

We, the people of the City of International Falls, under the constitution and laws of the State of Minnesota, in order to secure the benefits of local self-government and to provide for an honest, transparent and accountable city government, do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, citizen participation, strong political leadership, professional management, and regional cooperation.

CHAPTER 1

Name, Boundaries, and Powers

Section 1.01 Name and Boundaries

The City of International Falls, Koochiching County, Minnesota (the City) shall continue to be a municipal corporation under that name and with the same boundaries as now or hereafter may be established. The boundaries of the city are on record at the Minnesota Department of Administration, Office of Municipal Boundary Adjustments or its successor.

Section 1.02 Powers of the City

The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of this state and of the United States. It is the intention of this charter 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 Wards and Precincts

For the purposes of municipal elections, the city shall be divided into wards of approximately equal population, the number and boundaries of which shall be set by resolution. Each ward shall be considered a precinct for voting purposes.

Section 1.04 Electors

Any person qualified to vote under the laws of Minnesota who holds a legal residence within the city limits for a minimum of thirty (30) days prior to the municipal election date, is eligible to vote in any municipal election, except that only voters residing within a given ward can vote for a councilor representing that ward.

CHAPTER 2 Form of Government

Section 2.01 Form of Government

The municipal government provided by this charter is commonly known as the Council – Administrator plan of government. Subject only to the limitations imposed by the constitution or statutes of the state of Minnesota and by this charter, all powers of the city except as otherwise provided in this charter shall be vested in a mayor and elective officials hereinafter referred to as the Council, which shall enact local legislation, adopt budgets, and determine policies. The council may create such departments, divisions, bureaus, commissions, and boards for the administration of the city’s affairs as it deems necessary for efficient government. The council may also alter the power and organization of or abolish such departments, divisions, bureaus, commissions and boards.

This is a weak mayor-strong council form of government under Minnesota home rule charter statute. Administrative and legislative authority is reserved for the council operating as a whole and is the council’s ultimate responsibility. The powers of the mayor are generally no greater than those of any member of the council. No individual council member holds any specific administrative power.

Section 2.02 Council Composition and Election

The council shall be comprised of a mayor, one councilor at large, and a councilor from each ward. Each councilor, including the mayor, shall serve a term of four years and until a successor is elected and qualified.

Section 2.03 Incompatible Offices

Any member of the council wishing to apply for a position within the city must resign their council position twenty five (25) calendar days prior to applying.

Section 2.04 Vacancies

Whenever a vacancy occurs in any elective office of the city, the council shall, within sixty (60) days appoint by resolution a qualified person to serve the unexpired term of that office until the next available election.

Section 2.05 The Mayor

Operating under the direction of the council and provisions of this charter, the Mayor shall be the chief executive officer of the city and shall take care that the laws of the state, the provisions of this charter, and the ordinances of the city are duly observed and enforced. The Mayor shall preside at meetings of the council and have an equal vote with other members of the council on matters coming before that body. The Mayor shall have no veto power.

The council will strive to speak with one voice on all official matters.

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 processes, and by the governor for the purposes of martial law.

The Mayor, on behalf of the city, shall sign, and the city administrator shall attest to, all bonds and obligations issued by the city. The Mayor shall also sign and the city administrator shall attest to, all contracts on behalf of the city, except as otherwise provided by this charter.

The council shall choose from its members a mayor pro tem, who shall serve in the mayor's absence and in case of the mayor's disability.

Section 2.06 Salaries and Benefits

The council shall set their own salaries and benefit rates, by Ordinance, as part of the annual budgeting process. No change in salary shall take effect until after the next succeeding municipal election.

Section 2.07 Investigation of City Affairs

The council may at any time investigate the affairs of the city and conduct of any city department, office, agency, or employee, and for this purpose, may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. 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. At any time, the council may provide for an examination or audit of the accounts of any city officer or agency and it may provide for any survey or research study of municipal concern.

Section 2.08 Interference with Administration

Except for the purpose of inquiry and investigation under Section 2.07, the council and its members shall not deal with or control city administrative officers and employees under the jurisdiction of the administrative officers that report directly to the City Council. Specifically, neither the council nor any individual council member shall give orders to any subordinate of such administrative officers either publicly or privately.

CHAPTER 3 Nominations and Elections

Section 3.01 The Regular Municipal Election

A regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year at such places as the council may designate. The city shall follow the procedures set forth in state law relating to the holding of a municipal election.

Section 3.02 Special Elections

The City Council shall have the authority to hold special elections and with respect to special elections shall follow the procedures set forth in state law relating to the holding of a special election.

Section 3.03 Filing for Office

Candidates for municipal office must file an affidavit of candidacy in accordance with state law. Any voter of the city qualified under the state constitution for elective office may, by filing an affidavit and paying a filing fee of \$10.00 to the city administrator, have their name placed on the municipal primary ballot, or if there is no primary election, on the municipal general election ballot.

Section 3.04 Primary Election

In accordance with state law, a primary election shall be held if there are more than two nominees for an elective position. The city shall follow the procedures set forth in state law relating to the holding of a primary election.

Section 3.05 Procedure at Elections

Subject to this charter and applicable state laws, the council may, by ordinance or resolution, further regulate the conduct of municipal elections.

Section 3.06 Failure to Hold Election

Any failure to hold any election in the city at the time or in the manner this charter prescribes or any failure on the part of the council or of any City Officer to perform any duty prescribed by this charter at the time when or in the manner in which it should be performed shall not operate to dissolve or suspend the city's municipal or corporate rights, powers, or privileges, but such election may be held or such duty performed at a subsequent time with full force and effect.

CHAPTER 4 Council Procedure

Section 4.01 Rules of Procedure and Quorum

The council shall determine its own rules and order of business. A majority of members shall constitute a quorum. The council may, by rule, provide a means by which a minority may compel the attendance of absent members.

Section 4.02 Council Meetings

The council shall set the times and places for its regular meetings. The mayor or a majority of the council may call special meetings of the council giving at least three (3) days' notice by the city administrator to each member of the council and such reasonable public notice as may be described by council rules in compliance with the laws of Minnesota.

Section 4.03 Secretary of the Council

The city administrator shall act as secretary of the council and shall keep a journal of council proceedings and perform such other duties as the charter or the council may require. The council may designate any other city official or employee to act as secretary.

Section 4.04 Ordinances and Resolutions

Except as otherwise provided in this Charter, all legislation shall be by ordinance or resolution. Ordinances shall be passed by a majority vote of the members of the council and shall be entered in the official journal. Every ordinance, or a summary of the ordinance, shall be published once in the official newspaper of the city before it takes effect. No ordinance shall be reconsidered or rescinded at a subsequent meeting unless all members of the council are present.

Section 4.05 Procedures on Ordinances

Every proposed ordinance, except emergency ordinances, shall be presented in writing. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The format for all ordinances, including emergency ordinances, shall be: "The City Council of International Falls ordains as follows...". No ordinance, except an emergency ordinance, shall be adopted at the meeting at which it is introduced and at least seven (7) days shall elapse between its introduction and final passage.

Section 4.06 Emergency Ordinances

An emergency ordinance is one necessary for the immediate preservation of the public peace, health, safety, or welfare and in which the emergency is defined and declared in the preamble. No grant of any franchise and no ordinance vacating any street or alley shall be considered an emergency measure. An affirmative vote of simple majority of the council is required for adoption and the emergency ordinance will take effect immediately upon passage.

Section 4.07 Amending an Ordinance

In amending any ordinance, all previous amendments thereof shall be consolidated in the rewording of the section amended and each section or subsection amended shall be stated in full and shall be preceded by the words "so as to read as follows."

Section 4.08 Repealing an Ordinance

A repealing ordinance shall state in full the title of the ordinance repealed.

Section 4.09 Procedures on Resolutions

Every resolution shall be presented in writing and read in full before adoption, unless the reading is dispensed with by unanimous consent of the council.

Section 4.10 Signing and Publication of Ordinances and Resolutions

Every ordinance or resolution passed by the council shall be signed by the mayor, and attested, filed and preserved by the city administrator. Every ordinance, or a summary of the ordinance, shall be published at least once in the official newspaper.

Section 4.11 When Ordinances and Resolutions Take Effect

Every resolution and emergency ordinance shall take effect immediately upon passage or at such later date as it specifies. Every other ordinance shall take effect thirty (30) days after publication or at such later date as it specifies. Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption or at such later date as it specifies.

CHAPTER 5 Initiative and Referendum

Section 5.01 General Voter Authority

The voters of the city have the right, in accordance with this charter, to propose ordinances and to require ordinances to be submitted to a vote by the processes known initiative and referendum.

Section 5.02 Petitions

An initiative or referendum shall be initiated by a petition signed by registered voters of the city equal in number to the percent of those who voted for mayor in the last preceding city election specified in sections 5.05 and 5.06 below.

The signatures to such petition need not be all appended to one paper, but each signer shall add to their signature their address and the name of the Ward in which they reside. One of the signers of each paper shall verify by oath that each signature is the genuine signature of the person whose names it purports to be.

Section 5.03 Determination of Sufficiency

Within ten (10) working days of the filing of the petition, the city administrator shall examine the petition as to its sufficiency, using the poll lists from the last city election, and report to the council at its next regularly scheduled meeting. Upon receiving the city administrator's certificate of sufficiency, the council shall determine by resolution the sufficiency of the petition.

Section 5.04 Disposition of Insufficient Petition

If, by the city administrator's certificate, the petition is shown to be insufficient, it will be returned to the submitting entity, which will have ten (10) working days from the date of the certificate to amend the petition. If the city administrator finds an amended petition to be insufficient, it shall be returned to the filing entity, without prejudice, however, to the filing of a new petition to the same effect.

Section 5.05 Initiative

An ordinance, except an ordinance relating to the budget or capital program, the appropriation of money, the levy of taxes, or the salaries of city officers or employees, may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the proposed ordinance.

If the petition accompanying a proposed ordinance is signed by electors equal to fifteen percent (15%) of the entire vote cast for all candidates for mayor at the last preceding general city election at which a mayor was elected, is certified as such by the city administrator, and contains a request that said ordinance be submitted to a vote of the electors of the city, if not passed by the council, then the council shall either:

- (a) Pass the proposed ordinance without alteration at the next regularly scheduled council meeting after the attachment of the city administrator's certification of sufficiency, or
- (b) At its discretion, or if the ordinance fails to achieve final adoption, the council shall proceed to call a special election at which the said ordinance, without alteration, shall be submitted to a vote of the people.

If the petition be signed by electors equal in number to at least five percent (5%), but less than fifteen percent (15%), of the entire vote cast for all candidates for mayor at the last preceding election at which a mayor was elected, then the ordinance, without alteration, shall be submitted to a vote of the electors at the next general city election that occurs at any time after thirty (30) days from the date of the city administrator's certificate of sufficiency attached to the petition accompanying the ordinance.

An ordinance submitted by petition will be deemed enacted if it receives a majority of votes cast in the designated general city election and shall take effect immediately.

Section 5.06 Referendum

Any ordinance subject to the initiative provisions of this charter may be subjected to referendum during the period between its publication and its effective date by a petition signed by at least seven percent (7%) of the entire vote cast for all candidates for mayor at the last preceding city election at which a mayor was elected. Said petition shall state, at the head of each page or on an attached paper, a description of the ordinance. Any ordinance, upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance is not thereafter entirely repealed by the council it shall be placed on

the ballot at the next general election or at a special election called for that purpose, as the council determines.

If a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date specified in the ordinance. If a majority of the electors voting thereon votes against the ordinance, it shall be considered repealed upon certification of the vote.

If a petition is filed against an emergency ordinance, the ordinance shall remain in effect, but shall be repealed if a majority of the voters voting on the ordinance vote against it.

Section 5.07 Recall

The holder of any office may be removed by recall at any time by the electors qualified to vote for a successor to that holder. A recall must be initiated by a petition signed by at least twenty-five percent (25%) of the entire vote cast for the position at the last city election in which the position was elected. Said petition shall contain, at the head of each page or on an attached paper, a general statement of the grounds for the removal sought and shall be subject to a determination of sufficiency as described in sections 5.02, 5.03, and 5.04.

Upon certification of sufficiency by the city administrator, the council shall proceed to call a special election at which the said recall petition, without alteration, shall be submitted to a vote of the people. If a majority of individuals voting approves the recall, it will take effect immediately. The council, at its discretion, will either appoint a replacement to serve the remainder of the recalled individual's term or call a special election to fill the position.

CHAPTER 6 Administration of City Affairs

Section 6.01 Administrative Officers and General Provisions

The council shall appoint, at its discretion, a city administrator, a city attorney, a police chief, a fire chief, and a director of public works, and appoint other officials, as it deems necessary, for the proper management of the city's affairs. At the council's discretion, an individual may be appointed to more than one position, provided that person is qualified to perform the roles assigned. In concert with the requirements of this Charter, the council will set by resolution the terms of employment, including job responsibilities, expectations, and compensation, for each appointed officer. Appointed officers serve at the pleasure of the council and can be removed at any time by a vote of three-fifths of the council, provided the official has been given due notice of removal and an opportunity to address the council.

Section 6.02 Performance Reviews

All employees of the city, including all appointed officers, will be given an annual performance review by the individual's department head. The reviews for the city attorney, the police chief, the fire chief, the director of public works, and any other individuals reporting directly to the city administrator will be reviewed by the council, unless this responsibility is delegated to the mayor,

prior to delivery to the respective individual. The city administrator's performance review will be written by the council and delivered by the mayor.

Section 6.03 City Administrator

The City Administrator is the chief administrative officer of the city to whom the council may delegate by ordinance or resolution such management and administrative authority as from time to time is deemed necessary, appropriate, and in the best interests of the city. The City Administrator is appointed by the council for an indefinite term on the basis of training, experience, executive, and administrative qualifications. The appointment and termination of the city administrator shall be by resolution. If the office of city administrator is vacant, the council shall appoint a properly qualified acting city administrator within thirty (30) days.

The City Administrator shall have custody of the corporate seal and of all papers and records of the city. The City Administrator will attend all meetings of the council and, as secretary to the council, keep a correct record of all its proceedings and of all rules, ordinances, and resolutions, which it may adopt or pass, in suitable books kept for that purpose.

The City Administrator shall have authority to administer oaths and to take and certify deeds and other instruments in all cases required or sanctioned by law. The City Administrator shall ensure all public records and files of the city administrator's office are available for inspection by the public, as provided by law, during reasonable business hours as determined by the council.

The City Administrator shall file in the city administrator's office all documents and perform all things incident thereto as required by law and shall receive such fees therefor as established by the council or as provided by law. The City Administrator shall perform other duties as may be assigned by the council.

Section 6.04 City Attorney

The council shall appoint or retain a City Attorney who shall be the chief legal advisor to the council and all offices, departments and agencies and of all city officers in matters relating to their official powers and duties. The City Attorney, or assistants chosen by the city attorney, shall represent the city in all legal proceedings. At its discretion, the council may engage other legal counsel to represent the city in matters requiring special expertise, on a case-by-case basis.

The City Attorney may be an individual or a law firm, but in all cases attorneys representing the city must be licensed to practice in the jurisdiction involved. The City Attorney shall serve at the pleasure of the council for such compensation and under such terms as agreed by the parties, in accordance with state and federal law.

Section 6.05 Chief of Police

The council shall provide for a Police Department and appoint a Chief of Police and such other officers and employees, as may be authorized by the council. The Chief of Police will be supervised by the city administrator and must be licensed as a peace officer under the laws of the state of Minnesota.

The Chief of Police, under the direction of the city administrator and the council, shall have general responsibility for the Police Department, its operations, and custody of all vehicles and equipment.

The Chief of Police, with the approval of the council, is authorized and required to make all needful rules and regulations, not inconsistent with the laws of the state, provisions of this charter, or the ordinances of the city, for the government and control of the police department and for the safety and welfare of everyone in the city. All such rules and regulations shall be in writing, signed by the Chief of Police, and filed in the office of the city administrator.

Section 6.06 Fire Chief

The council shall provide for a Fire Department and appoint a Fire Chief and such other officers and employees, as may be authorized by the council. The Fire Chief will be supervised by the city administrator and must be appropriately licensed under the laws of the state of Minnesota.

The Fire Chief, under the direction of the city administrator and the council, shall have general responsibility for the fire department, its operations, and custody of all vehicles and equipment.

The Fire Chief, with the approval of the council, is authorized and required to make all needful rules and regulations, not inconsistent with the laws of the state, provisions of this charter, or the ordinances of the city, for the government and control of the Fire Department and for the prevention and extinguishment of fires. All such rules and regulations shall be in writing, signed by the Fire Chief, and filed in the office of the city administrator.

Section 6.07 Fire Department Personnel

The Fire Chief, Assistant Chief of the Fire Department, and all other personnel of said fire department are subject to employment, promotion, discharge, or suspension by the Firefighter's Civil Service Commission, all in accordance with M.S.A., Ch. 420.

In the event the foregoing commission is abolished in a manner provided by law, then such Fire Chief and all other officers and personnel of the fire department and employees as may be authorized by the Council, shall be appointed, and may be removed by the City Council, subject only to the limitations imposed by the Civil Service Law.

Section 6.08 Director of Public Works

The Council shall appoint a Director of Public Works who shall be responsible for all public works, buildings, and structures owned or controlled by the city. The Director of Public Works, operating through the heads of departments described in this chapter, shall have charge and control of streets, alleys, highways, and parks of the city, all work done thereon and construction thereof, as well as the construction, maintenance, and operation of all public lighting, sewer, water, and any other public utility systems of the city. The Director of Public Works shall ensure all surveys, plats, profiles, plans, and estimates made by the Department of Public Works are carefully preserved and shall be public records of the city.

The Director of Public Works does not have to be a registered civil engineer, but if she/he is not, then a registered civil engineer must be retained or hired to approve actions needing the approval of a registered civil engineer.

The council, with the advice of the Director of Public Works, may hire a street commissioner, water commissioner, and such other officers as the council may deem necessary. Persons hired to such offices, or any combination thereof, shall be the heads of the departments to which they are assigned, but shall be responsible to the Director of Public Works and shall perform such duties as he/she may assign to them.

Section 6.09 Other Departments

The council may establish city departments, in addition to those created by this charter, and may prescribe the functions of all departments, offices, and agencies, provided that no function assigned by this charter to a particular department, office or agency may be discontinued or assigned to any other unless authorized by this charter.

Section 6.10 Purchases and Contracts

Subject to the requirements of this Charter, contracts shall be awarded in compliance with state law. Whenever competitive bids are required the contract shall be awarded to the lowest responsible bidder.

The city administrator is the chief purchasing agent for the city. Purchases and contracts may be made by the city administrator when such purchase or contract is in the current budget and when it meets requirements set by state law or ordinance. All other purchases and contracts shall be made by the council. Except for purchases and contracts made by the city administrator, the mayor shall sign and the city administrator shall attest to contracts, bonds and instruments to which the city is party. The council may, by ordinance or resolution, adopt further regulations or policies for the making of bids and the letting of contracts, including delegation of its contracting powers to a commission or department of the city.

CHAPTER 7 Taxation and Finances

Section 7.01 Council to Control Finances

The council shall have full authority over the financial affairs of the city. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursements of public monies in accordance with this charter and city ordinance.

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 state law, the council shall have full power to provide, by ordinance or resolution, for a system of local taxation for the support of city government and the payment of its debts and obligations. This authority includes the power, by ordinance or resolution, to assess, levy, and collect taxes on all property in the city taxable under the laws of the state.

Section 7.04 Uniform System of Bookkeeping

The city shall establish and adopt a uniform system of bookkeeping for all departments of the city government pertaining to the finances of the city and prescribe the form to be used therefore. When adopted, all departments and boards of the city and all financial estimates and budgets required by this charter or the council shall use such system.

Section 7.05 Annual Budget

The council will set by resolution an annual budgeting process and receive an annual budget recommendation from the city administrator by August 1st of the year preceding the budget. The budget shall provide a complete financial plan for all city funds and activities, including debt service and proposed capital expenditures for the ensuing fiscal year. The total budget shall not exceed the estimated income of the city.

The budget shall be considered by the council at subsequent meetings until adopted for the ensuing year. The meetings will be conducted in a manner that allows interested citizens reasonable opportunity to be heard.

The council shall adopt a resolution levying the amount of taxes provided in the budget and the city administrator shall certify the resolution to the county auditor in accordance with state law. All provisions of this section are subject to and will conform to state law, including Truth in Taxation Law or Department of Revenue standards.

Section 7.06 Funds

There shall be maintained in the City Treasury a General Fund and such other funds as may be required by statute, ordinance or resolution and the Council, by a majority vote, may levy an annual tax upon all taxable property for the support of such funds and purposes. The Council may, by ordinance or resolution, aid and help funds other than the General Fund when in its judgment it serves the best interests of the city.

Section 7.07 General Fund

There shall be maintained in the City Treasury a fund designated the General Fund into which shall be paid all monies not specifically designated as belonging to any other fund and from which fund the council may replenish any other fund.

Section 7.08 Other Municipal Funds

The city shall have the authority to establish such additional funds as determined to be necessary and desirable by the City Council.

Section 7.09 Authority to Bond

Notwithstanding any other provision of this City Charter to the contrary, the city shall have the authority to issue general obligation bonds, revenue bonds and other obligations for the purposes of and in accordance with the provisions of state law. Any resolution authorizing the issuance of any bonds of the city shall require the affirmative vote of a majority of all members of the City Council present at the meeting thereof, unless a greater number is required under applicable state law. Such bonds shall be payable from a debt service account established in the resolution authorizing the issuance of any such bonds.

Section 7.10 Limit of Debt

Any general obligation bonds issued by the city pursuant to Section 7.09 of this City Charter shall be subject to the debt limitations set forth in Minnesota Statutes, Chapter 475, and any other applicable state law.

CHAPTER 8

Public Improvements and Special Assessments

Section 8.01 Public Improvement Assessments

All public improvements to be installed or constructed by the city may be assessed in accordance with applicable state law.

CHAPTER 9

Eminent Domain

Section 9.01 Acquisition of Property

The city may acquire by purchase, gift, condemnation, or otherwise any property, either within or without its boundaries. In acquiring property by exercising the power of eminent domain, the city shall proceed according to Minnesota Statutes, Chapter 117 or other applicable state law.

CHAPTER 10

Franchises

Section 10.01 Franchises Required

Except as otherwise provided by law, no person, firm, or corporation shall place or maintain any permanent or semi-permanent fixtures in, over, upon, or under any street or public place for the purpose of operating a public utility or for any other purpose, without a franchise 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 all cost of publication of the franchise ordinance and shall make a deposit with the city administrator to guarantee publication before the ordinance is passed.

Section 10.02 Franchise Term

In accordance with federal and state law, 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 electors voting thereon.

Section 10.03 Public Hearing

Before any franchise ordinance is adopted or the council fixes any rates, fares, or prices to be charged by a public utility, the council shall hold a public hearing on the matter. Notice of such hearing shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing.

Section 10.04 Power of Regulation Reserved

Subject to any applicable law, the council may, by ordinance, reasonably regulate and control the exercise of any franchise, including setting maximum rates, fare, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in the regulating of 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 renewal or modification of a franchise, including an existing franchise shall be subject to the same limitations and shall be granted in the same manner as a new franchise.

CHAPTER 11

Boards and Commissions

Section 11.01 Boards and Commissions, Appointments, and Terms

Performance of certain activities may, at the discretion of the council, be delegated to, or vested in, boards or commissions, either advisory or administrative. Unless otherwise stated in this

charter, such boards and commissions may be created or abolished by ordinance that shall state the objective of the board or commission, the number of members and their terms, and how it will operate. Unless specifically granted by ordinance, members of boards and commissions will not be compensated.

Section 11.02 Charter Commission

The council shall nominate and the applicable District Court will approve a standing Charter Commission to review this charter at least annually and make recommendations for changes, if any, to the council.

CHAPTER 12 General Provisions

Section 12.01 Official Publication

The council shall publish ordinances, resolutions and other matters required by law to be published as well as other matters as the council may deem in the public interest in accordance with state law.

Section 12.02 Oath of Office

Every elected and appointed officer of the city shall, before entering upon the duties of their office, take and subscribe to 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 International Falls, to the best of my judgment and ability."

Section 12.03 Official Interest in Contracts

Except as otherwise permitted by law, no elected official or employee of the city shall have a personal financial interest in or personally benefit from any contract entered into by the city.

Section 12.04 Sale of Real Property

No real property of the city shall be disposed of except by ordinance or resolution. The net cash proceeds of any sale of property shall be used to retire any outstanding indebtedness incurred by the city in acquisition or improvement of that property.

Section 12.05 Vacation of Streets

The council may, by ordinance approved by at least three-fifths of the council, vacate any street or alley or other public grounds within the city. Such vacating may be made only after published notice and 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, prescribes. A notice of

completion of such proceedings shall be filed with the proper county officials in accordance with law.

Section 12.06 Existing Ordinances Continued

All ordinances and regulations of the city in force when this charter takes effect and not inconsistent with this charter shall continue in full force and effect until amended or repealed.

Section 12.07 Pending Condemnations, Improvements, and Assessments

Any condemnation, improvements, or assessment proceeding in progress when this charter takes effect shall be continued and completed under the laws under which such proceeding were begun. All assessments made by the city prior to the effective date of this charter shall be collected as if this charter had not been adopted.

Section 12.08 Ordinances to Make Charter Effective

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

Section 12.09 Present Officers Continued

The present elected and appointed officers of the city shall continue in their respective offices and functions through their existing term or until otherwise replaced in accordance with this charter.

Section 12.10 Violation, Fines, and Penalties

The council may establish by ordinance that a violation of a city ordinance is either a misdemeanor or a petty misdemeanor, punishable in accordance with state law. In addition, the council may establish by ordinance a procedure for imposing a civil penalty not exceeding two thousand dollars (\$2000) for each violation of a city ordinance. This procedure must provide an opportunity for the accused to be heard by a neutral party, which may be the city council.

Section 12.11 Dedication of City Beach to the Public

City Beach, the parcel which is legally described as Lot 26, Auditor's Plat 3 and Lots 45 and 46, Plat of Brennan's Beach all in Section 30, Township 71 North, Range 23 West, is hereby dedicated to the public in perpetuity under the trusteeship of the City of International Falls. This dedication shall not be assigned or modified.

Section 12.12 Word Construction

Whenever used in this charter, the singular shall include the plural and the plural the singular unless the context otherwise requires, and the masculine shall include the feminine and the feminine the masculine.

Section 12.13 Effective Date

This charter is effective (date to be determined).