

No. _____

84-0r-040

Date _____

1st Reading _____

AN ORDINANCE

Date to Mayor 13

Ref. to _____ Comm.

of the

Date Returned _____

Public Hearing _____

CITY OF

Date Resubmitted _____

2nd Reading & Final

MINNEAPOLIS

to Council _____

Passage _____

Council Member Dziedzic

presents the following ordinance:

Amending Chapters 1-3 of the Minneapolis City Charter
for the purpose of revising obsolete provisions.
(Charter Amendment No. 100)

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Chapter 2, Section 1 of the Minneapolis City Charter be amended to read as follows:

Section 1. Elective Officers. The elective officers of the City shall be a Mayor, ~~a Comptroller-Treasurer~~, members of the City Council (who shall be known as Council Members) and such members of boards or commissions as elsewhere provided in this Charter. The City Council shall consist of one (1) Council Member from each ward to be elected by the voters of the respective wards.

Section 2. That Chapter 2, Section 3 of the Minneapolis City Charter be amended to read as follows:

Section 3. Terms of Office of Mayor, City Comptroller-Treasurer and Council Members. The term of office of the Mayor shall be four years commencing on the first business day of January of the year following the mayoral election. The terms of office of the ~~City Comptroller-Treasurer and Council Members~~ shall be two years commencing on the first business day of January of the year following their election.

Section 3. That Chapter 2, Section 4 of the Minneapolis City Charter be amended to read as follows:

Section 4. Election. A general city election for the election of city officers shall be held biennially on the ~~second Tuesday of June~~ FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER of each odd numbered year.

Section 4. That Chapter 2, Section 13 of the Minneapolis City Charter be amended to read as follows:

Section 13. Filing for Nominations. All candidates for nomination at any city election shall file their affidavit for such nomination, and pay their fee therefor, in the same manner as provided in the general election laws of the State of Minnesota, except only that such filing shall be made with, and such fee paid to the City Clerk instead of the County Auditor, and such filing must be made, and the fee therefor paid, not later than the ~~20th~~ 30th day preceding the primary election.

Section 5. That Chapter 2, Section 18 of the Minneapolis City Charter be amended to read as follows:

Section 18. Oath of Office - Bonds of City Officers - Approval of Bonds. Every person elected or appointed to any office under this Charter shall, before entering upon the duties of office, take and subscribe an oath of office, and file the same with the Clerk of the City. The ~~Comptroller-Treasurer~~ FINANCE OFFICER, Clerk and such other officers as the City Council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the City of Minneapolis, bonds in such form, amounts and upon such conditions as the City Council shall prescribe.

Section 6. That Chapter 2, Section 19 of the Minneapolis City Charter be amended to read as follows:

~~Section 19. Officers Not To Be Interested in Contracts. No person shall be eligible to or shall be elected to or appointed to any City office, whatever, who is at the time either directly or indirectly interested in any contract with the City, whether said contract is made by the City Council or by any Board or officers of said City, and every such contract in which any City officer shall be directly or indirectly interested shall be void.~~

Section 19. VIOLATIONS BY OFFICERS - PENALTY; FORFEITURE. Any elective or appointive officer of the City of Minneapolis, or any person employed in the services of the City of Minneapolis, who shall willfully violate or evade any of the provisions of law, or commit any fraud, upon the City, or convert any of the public property to his or her own use or knowingly permit any other person to convert it, or by gross or culpable neglect of duty allow the same to be lost to the City, shall be deemed guilty of a

misdemeanor and in addition to the penalties imposed by law, and on conviction, shall forfeit the office and be excluded forever after from receiving or holding any office under the Charter of the City of Minneapolis and shall be liable to refund to the City, at the suit of any taxpayer or citizen, any amount lost to said City by reason of any such violation of law.

Section 7. That the last paragraph of Section 1, Chapter 3 of the Minneapolis City Charter be amended to read as follows:

Notwithstanding any provisions of the Minneapolis City Charter and Minnesota Statutes ~~422.14~~ 422A.02 and 423.72 to the contrary, whenever the Charter or said state laws provide that the Mayor be a member of any board, commission or department, the Mayor may appoint or designate a representative to serve in place of the Mayor on such board, commission or department for a term of office not to exceed the Mayor's own term. Such representatives shall be citizens of the state and residents of the City.

Section 8. That Chapter 3, Section 3 of the Minneapolis City Charter be amended to read as follows:

Section 3. City Clerk - Election - Duties. There shall be a Clerk of said City, styled the "City Clerk," who shall be elected by the City Council.

The Clerk shall keep the corporate seal and all the papers and records of the City, and keep a record of the proceedings of the City Council, at whose meetings it shall be the Clerk's duty to attend.

Copies of all papers filed in the Clerk's office and transcripts from the records of the City Council certified by the Clerk under the corporate seal shall be evidence in all courts the same as if the originals were produced.

The Clerk shall draw and sign all orders on the ~~Comptroller~~ ~~Treasurer~~ FINANCE OFFICER in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in books provided for that purpose.

The Clerk shall have power to administer oaths and affirmations; and shall perform all other services by law required of clerks of cities or townships, within said City.

~~All Clerk hire shall be paid by the City.~~ The Clerk shall pay into the city treasury, upon the last day of each month, all fees and moneys, allowed by public law and collected by the Clerk during that month, and shall hold office for the term of two (2) years, beginning with the day such person is qualified as clerk.

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THE CLERK MAY, BY AND WITH THE CONSENT OF THE CITY COUNCIL, EMPLOY SUCH CLERICAL AND OTHER STAFF AS MAY BE NECESSARY.

Section 9. That Chapter 3, Section 4 of the Minneapolis City Charter to amended to read as follows:

Section 4. Assistant City Clerk - Powers and Duties. The City Clerk may appoint an Assistant City Clerk, to be confirmed by the City Council; the salary of which Assistant City Clerk shall be fixed by the City Council, ~~unless included in the salary of the City Clerk;~~ and said Assistant City Clerk shall have all the powers, duties and responsibilities of the City Clerk. It shall be the duty of such Assistant Clerk to assist the Clerk in the care of the papers and files, and in making the records of said city, ~~and also to write out such records as the Comptroller-Treasurer is required to keep and under his or her direction.~~ Such Assistant Clerk shall also attend such meetings of any of the committees of the City Council as such committee may designate, and act as clerk of ~~the~~ committees. The Assistant Clerk shall have authority in the disability or absence of the City Clerk to certify and affix the corporate seal to copies of files and transcripts of records, and all SUCH certificates ~~so made by him~~ shall have the same validity as if made by said City Clerk.

Section 10. That Chapter 3, Section 9 of the Minneapolis City Charter be amended to read as follows:

Section 9. City Comptroller-Treasurer FINANCE OFFICER - Powers and Duties - Assistant Comptroller-Treasurer FINANCE OFFICER. PURSUANT TO, AND SUBJECT TO THE LIMITATIONS OF, MINNESOTA LAWS OF 1983, CHAPTER 160, THE CITY COUNCIL MAY, BY ORDINANCE, PROVIDE THE MANNER OF APPOINTMENT AND PRESCRIBE THE FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE FINANCE OFFICER. THE COUNCIL MAY ALSO DESIGNATE BY SUCH ORDINANCE A TITLE FOR THE FINANCE OFFICER. EXCEPT AS IS OR MAY BE OTHERWISE PROVIDED BY ANY SUCH ORDINANCE OR BY THE AFOREMENTIONED STATUTE, the ~~City Comptroller-Treasurer~~ FINANCE OFFICER shall have all the POWERS, duties, functions, responsibilities and ex-officio positions heretofore vested by charter or statute in the Comptroller ~~and the~~ Treasurer of the City. It shall be the duty of the ~~City Comptroller-Treasurer~~ FINANCE OFFICER to keep regular books of account, both of

the City of Minneapolis and of the several boards of said City, in which the ~~Comptroller-Treasurer~~ FINANCE OFFICER shall enter all indebtedness of said City, and which shall at all times show the precise financial condition of the City and of said several boards, the amount of bonds, orders, certificates or other evidences of indebtedness outstanding, and the redemption of the same when redeemed.

The ~~City Comptroller-Treasurer~~ FINANCE OFFICER may, by and with the consent of the City Council, appoint an Assistant ~~City Comptroller-Treasurer~~ FINANCE OFFICER who shall assist in the duties of the office and act as ~~Comptroller-Treasurer~~ FINANCE OFFICER the absence or in case of the inability of the ~~Comptroller-Treasurer~~ FINANCE OFFICER to act. The ~~City Comptroller-Treasurer~~ FINANCE OFFICER may from time to time designate in writing a person regularly employed in the office to act as ~~City Comptroller-Treasurer~~ FINANCE OFFICER in the event of the simultaneous absence or inability to act of both the ~~City Comptroller-Treasurer~~ FINANCE OFFICER and assistant ~~City Comptroller-Treasurer~~ FINANCE OFFICER.

Section 11. That Chapter 3, Section 10 of the Minneapolis City Charter be amended to read as follows:

Section 10. ~~Comptroller-Treasurer~~ FINANCE OFFICER to Countersign Bonds, Etc. The ~~City Comptroller-Treasurer~~ FINANCE OFFICER shall countersign all bonds, orders certificates or other evidences of indebtedness of the city, or any ward or board thereof, and no such bond, order, certificate or other evidence of indebtedness shall be valid until so countersigned.

Section 12. That Chapter 3, Section 11 of the Minneapolis City Charter be amended to read as follows:

Section 11. ~~Comptroller-Treasurer~~ FINANCE OFFICER To Keep Records and Accounts. The ~~City Comptroller-Treasurer~~ FINANCE OFFICER shall keep accounts of orders drawn on the treasury in separate books and shall note thereon the cancellation thereof whenever the same shall be canceled, and shall keep such other books and records as shall be convenient for the preservation of the accounts of all transactions and business of the city, or its wards, or of said boards, and all books, lists and records heretofore kept, or which shall be kept, in the ~~Comptroller-Treasurer's~~ FINANCE OFFICER'S office, and copies certified by the ~~Comptroller-Treasurer~~ FINANCE OFFICER shall be competent evidence of all matters shown by them.

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Section 13. That Chapter 3, Section 12 of the Minneapolis City Charter be amended to read as follows:

Section 12. ~~Comptroller—Treasurer~~ FINANCE OFFICER To Keep Accounts with Other Officers. The ~~City Comptroller—Treasurer~~ FINANCE OFFICER shall keep accounts with all other receiving or disbursing officers of said city or its ~~wards or said~~ several boards. In such accounts the ~~Comptroller—Treasurer~~ FINANCE OFFICER shall charge such officers with all amounts received by them from all sources of revenue and with all city property in their hands or control as such officers, and credit them with all amounts disbursed or property disposed of on proper authority, and with all money or property turned over to the city or to their successors in office. The ~~Comptroller—Treasurer~~ FINANCE OFFICER shall examine the reports, books, papers and vouchers of other receiving and disbursing officers, and perform such other duties as the City Council may direct.

Section 14. That Chapter 3, Section 13 of the Minneapolis City Charter be amended to read as follows:

Section 13. ~~Comptroller—Treasurer~~ FINANCE OFFICER To Render Yearly Financial Statement. The ~~Comptroller—Treasurer~~ FINANCE OFFICER shall as soon as may be after the close of each fiscal year report to the City Council the financial condition of the city and the several ~~wards and boards~~ thereof.

Section 15. That Chapter 3, Section 14 of the Minneapolis City Charter be amended to read as follows:

Section 14. ~~Comptroller—Treasurer~~ FINANCE OFFICER To Countersign Contracts. The ~~City Comptroller—Treasurer~~ FINANCE OFFICER shall counter-sign all contracts made in behalf of said city, and no such contract shall be valid until so countersigned. The ~~Comptroller—Treasurer~~ FINANCE OFFICER shall keep a book and shall enter all contracts, which shall be open to the inspection of all parties interested, in the book. The ~~Comptroller—Treasurer~~ FINANCE OFFICER shall not directly or indirectly, be interested in any contract or job to which the city or any ~~ward or boards~~ thereof is a party.

Section 16. That Chapter 3, Section 15 of the Minneapolis City Charter be amended to read as follows:

Section 15. ~~Comptroller—Treasurer~~ FINANCE OFFICER To Audit Claims Against the City and Board. All claims and demands against the City of Minneapolis before the

same shall be allowed by the City Council, and all claims against the several boards thereof, before the same shall be allowed by said boards, shall be audited and adjusted by the ~~Comptroller-Treasurer~~ FINANCE OFFICER; and all orders on the Treasury, either on the part of the City or of said boards, shall be examined and kept by the ~~Comptroller-Treasurer~~ FINANCE OFFICER until delivered to the persons entitled thereto, and the receipts for all orders so delivered shall be preserved. The ~~Comptroller-Treasurer~~ FINANCE OFFICER shall not be required to countersign said orders on the Treasury when a facsimile of his or her signature appears thereon. The ~~Comptroller-Treasurer~~ FINANCE OFFICER may keep and use a seal of office which may be used instead of the seal of the City in the execution of licenses and such other sealed instrument as the ~~Comptroller-Treasurer~~ FINANCE OFFICER shall be specially directed to issue, and any use of such seal by the ~~Comptroller-Treasurer~~ FINANCE OFFICER heretofore, is hereby legalized; or the seal of the City may be used.

Section 17. That Chapter 3, Section 16 of the Minneapolis City Charter be amended to read as follows:

Section 16. City Comptroller - Treasurer FINANCE OFFICER - Received - Keep Accounts - Ex-officio Treasurer of Boards. The ~~City Comptroller-Treasurer~~ FINANCE OFFICER shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account thereof in such manner as the City Council shall from time to time direct. The FINANCE OFFICER ~~Comptroller-Treasurer~~ shall also be ex-officio Treasurer of the several boards of the City of Minneapolis, BUT SHALL NOT BE A MEMBER OF ANY CITY BOARD OR COMMISSION.

Section 18. That Chapter 3, Section 17 of the Minneapolis City Charter be amended to read as follows:

Section 17. Comptroller - Treasurer FINANCE OFFICER - Give Bonds. The ~~Comptroller-Treasurer~~ FINANCE OFFICER shall give separate bonds for the safe-keeping of the funds of the city, and the Board of Education in such sums as may be required by the City Council and the Board of Education respectively.

Section 19. That Chapter 3, Section 18 of the Minneapolis City Charter be amended to read as follows:

Section 18. City Comptroller — Treasurer — FINANCE OFFICER Furnish Annual Report. The Comptroller — Treasurer — FINANCE OFFICER shall as soon as may be, after the close of each fiscal year and at least fifteen days before the annual election for city officers BUT NOT LATER THAN THE FOLLOWING JUNE 30th, exhibit to the City Council a full and detailed account of all receipts and expenditures for the last fiscal year, and also of the state of the treasury, which account shall be filed with the Clerk. and a copy of the same shall be published in the official paper of the city.

Section 20. That Chapter 3, Section 20 of the Minneapolis City Charter be renumbered to be Section 19.

Section 21. That Chapter 3, Section 21 of the Minneapolis City Charter be renumbered to be Section 20 and, as renumbered, amended to read as follows:

Section ~~21~~ 20. City Officers Not To Be Interested In City Contracts. No Council member or other officer or employee shall be a party to or interested in any job or contract with the City or either of the wards thereof, and any contract in which any Council member or other officer or employee shall be so interested shall be null and void, and in case any money shall have been paid on any such contract, the amount so paid may be recovered by a joint or several action from the parties to such contract, and the Council member or other officers or employees interested in the same.

Section 22. That Chapter 3, Sections 22-26 of the Minneapolis City Charter be renumbered to be Sections 21-25 respectively.

RECORD OF COUNCIL VOTE													
Council Member	Aye	Nay	N.V.	Abs.	Ovrd.	Sust.	Council Member	Aye	Nay	N.V.	Abs.	Ovrd.	Sust.
Dziedzic	X						Scallon	X					
O'Brien	X						Niemiec	X					
Hilary	X						Cramer	X					
White	X						Schuistad	X					
Coyle	X						Hoyt	X					
Carlson	X						Pres. Rainville	X					
Sayles Belton	X												

X INDICATES VOTE — N.V. - Not Voting Abs. — Absent Ovrd. - Vote to Override Sust. - Vote to Sustain

PASSED MAR 30 1984 19

APPROVED APR 5 1984 19

VETOED

ATTEST Lyle O'Sullivan
Assistant City Clerk

Albert W. Samicki
President of Council
[Signature]
Mayor