

CITY OF HAM LAKE
CHARTER

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CHAPTER ONE

NAME BOUNDARIES AND GENERAL PROVISIONS

SECTION 1.01 Name and Boundaries

The City of Ham Lake, Anoka County, Minnesota shall continue to be a municipal corporation under that name and with the same boundaries as now are or hereafter may be established.

SECTION 1.02 Powers of the City

The City shall have all the powers which it may now or hereafter be possible for a municipal corporation in this State to exercise in harmony with the constitutions of the 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 of the City to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the City Council.

SECTION 1.03 Charter Commission Number and Membership Composition

The Charter Commission shall consist of seven persons, all residents of the City of Ham Lake, to be appointed in the manner provided by law. However, pursuant to the authority granted in Minnesota Statutes Chapter 410.05, Subdivision 1, the composition of the Charter Commission shall contain no more than two incumbent members of the Ham Lake City Council, including the Mayor.

CHAPTER TWO

FORM OF GOVERNMENT

SECTION 2.01 Form of Government

The form of government established by this charter is the Mayor-Council Plan. Except as otherwise provided by law or this charter, all powers of the city are vested in the Council.

SECTION 2.02 Boards and Commissions

There shall be no separate administrative board of health, library board, or any other administrative board or commission except 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 provided for by statute. The Council may, however, establish boards or commissions to advise the Council with respect to any municipal function or activity, to investigate any subject or interest to the City, or to perform quasi-judicial functions.

SECTION 2.03 Council Composition and Election

The Council shall be composed of a Mayor and four (4) Councilmembers who shall be qualified electors and who shall be elected at large. Each Councilmember shall serve for a term of four (4) years and/or until his/her successor is elected and qualifies. The Mayor shall serve for a term of four (4) years and/or until his/her successor is elected and qualifies.

SECTION 2.04 Incompatible Offices

No member of the Council shall hold any paid municipal office or employment under the City, except on the Fire Department, and until one year after the expiration of his/her term as Mayor or Councilmember no former member shall be appointed to any paid appointive office or employment under the City which was created or the compensation for which was increased during his term as Councilmember.

SECTION 2.05 Vacancies and Leaves of Absence

The following provisions shall govern vacancies and leaves of absences on the Ham Lake City Council. These provisions are intended to supersede statutory procedures, including, without limitation, the temporary replacement procedures found in Minnesota Statutes Chapter 412.02, subdivisions 2(a) and 2(b).

A. Vacancy

A vacancy on the City Council shall be deemed to exist under the following conditions:

- 1) If a member dies;
- 2) If a member submits a written resignation, provided, that no written resignation shall be deemed valid or effective unless the written resignation, by its terms, takes effect

immediately upon its receipt by the City Administrator, or in the absence of the City Administrator, then upon its personal delivery to any other City Council Member.

- 3) If a member is removed from office by the lawful act of recall under the City's Charter, or by action of the Governor of the State of Minnesota pursuant to statutory provisions, or by other removal from office in a manner provided by law.
- 4) If the City Council makes a Declaration of Vacancy, as provided in this Section.

B. Replacement of Vacant Council Position

The City Council shall, by a majority vote of the Councilmembers remaining in office, appoint a replacement for the vacated council seat, within sixty days after the date that the office became vacant. The term of the replacement and the elected filling of the vacated position shall proceed as follows:

- 1) If the date on which the City Council appoints a replacement is more than 10 days before the filing deadline for the office of Mayor or City Councilmember in the next succeeding general election, meaning an election held in November of an even-numbered year (the "Replacement Election"), then the seat which was vacated shall be open for all persons who timely file for election to that office in the Replacement Election, and the term of the replacement council person shall expire upon the administration of the oath of office to the person elected in the Replacement Election for the vacated seat.
- 2) In the Replacement Election, the office of the vacated council position shall be distinguished on the ballot from any other City Council seats open for election in that year, and shall be designated as being for a term of office which expires at the same time as the position would have expired had the vacancy not occurred. Furthermore, persons seeking to be elected to the vacated position shall so designate upon their filing for office, and shall not be eligible to be elected to any other City Council position in that election. Conversely, persons filing for election to the office of Mayor or any other seat on the City Council which happens to be open for election in the same election as the Replacement Election shall not be eligible to be elected to the vacant position. A person who has already filed for election for the office of Mayor or regular Council seat at the time that a replacement position comes into existence may withdraw and refile for the vacated position.
- 3) If the date on which a replacement is made is 10 days or less before the filing deadline for the office of Mayor or City Councilmember in the next succeeding general election, then the replacement member shall continue in office until the normal expiration date for the vacated seat, and no elected replacement shall be necessary.
- 4) The following example in table form is intended to illustrate the intent of this section:

Assume that a Councilmember or Mayor elected in November, 2002, for a term beginning in January of 2003, expiring in January, 2007, dies prior to the expiration of the term. Assume that September 15 is the hypothetical deadline in any given election year for filing for the office of Mayor or Councilmember.

Date of Vacancy Replacement Date Election Required?

February 1, 2003 By April 1, 2003 Yes, November 2004. The appointed replacement's term will expire in January, 2005, and the elected replacement's term will begin in January, 2005, ending in January, 2007.

Sept. 10, 2003 By Nov. 9, 2003 Yes, November 2004. The appointed replacement's term will expire in January, 2005, and the elected replacement's term will begin in January, 2005, ending in January, 2007.

July 7, 2004 By Sep. 5, 2004 Yes, November 2004. The appointed replacement's term will expire in January, 2005, and the elected replacement's term will begin in January, 2005, ending in January, 2007.

July 10, 2004 Sept. 8, 2004 No. The appointed replacement's term will expire in January, 2007, when the person elected in the November, 2006 general election will begin a normal four-year term.

C. Leaves of Absence

A member of the City Council (including the Mayor) may request a leave of absence from the council. Such a request shall be made in written form delivered to the City Administrator, and shall be subject to the following conditions:

- 1) A Leave of Absence shall be for a specified period of time as contained in the request, which shall list a starting and ending date for the Leave of Absence. The Leave of Absence shall be for a minimum of 90 days, and for a maximum of 365 days. The absent member shall not be entitled to return to the seat earlier than the date specified in the request for Leave of Absence. The request for a Leave of Absence shall specifically disclose the reason for the request.
- 2) No more than one Leave of Absence may be requested by a Councilmember during a single term in office.
- 3) The City Council shall act on the request for Leave of Absence at the next regular City Council Meeting following receipt of the request. Leaves of Absence may be granted only for the following reasons:
 - a) The existence of a bona fide health problem;

- b) The existence of a bona fide family or other personal crisis, including a financial crisis;

D. Temporary Replacement

If the Leave of Absence request is for a period of more than 90 days, the City Council, by majority vote, shall, within 30 days after the Leave of Absence commences, appoint a temporary replacement for the absent member, to serve for the duration of the Leave of Absence. If a temporary replacement shall fail to complete the term of the Leave of Absence, a replacement shall be likewise made, but only if more than 90 days remain in the term of the Leave of Absence.

E. Declaration of Vacancy

The City Council may (but is not required to) by majority vote of a quorum, declare a vacancy among its number if a member (other than a member on a Leave of Absence) shall fail to attend nine or more of the twenty four regularly scheduled meetings of the City Council within any given twelve month period. A member so removed shall be entitled to appeal the decision of the City Council directly to the District Court for the judicial district having jurisdiction, provided that the appeal is filed within ten calendar days of the date of removal. In such case, the removed member shall be entitled to retain the seat pending a decision by the District Court as to the legality of the removal.

F. Multiple Vacancies

In the event that at a given time, there are three or more simultaneous vacancies on the City Council, such that the number of remaining Councilmembers does not constitute a quorum, the vacancies so existing shall be filled by appointment made by the Governor of the State of Minnesota, for terms to be established by the Governor, but the only persons eligible for appointment to the vacancies shall be the then incumbent members of the Ham Lake Planning Commission, former Ham Lake Planning Commissioners and previously elected Ham Lake City office holders.

G. Applicability

The provisions of this Section shall not apply to any City Council seat which, as of the effective date hereof, is occupied by an appointee under any statutory framework, and as to such seat, the appointee shall continue to serve as originally appointed.

SECTION 2.06 The Mayor

The Mayor shall preside at meetings of the Council and shall have a vote as a member. The Council shall choose from its members an acting Mayor who shall hold office at the pleasure of the Council. The acting Mayor shall serve as Mayor in the Mayor's absence and as Mayor in case of the Mayor's disability or absence from the City. The Mayor shall be recognized as head of the City government for all ceremonial purposes, by the courts for the purpose of serving civil

process, and by the governor for the purposes of martial law, but he shall have no administrative duties.

SECTION 2.07 Salaries

The Mayor and Councilmembers shall receive such compensation as is fixed by the Council in accordance with law. All 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 may make investigations into the affairs of the City and the conduct of any City department, office, or agency 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 any subject of municipal concern.

SECTION 2.09 Code of Conduct for elected officials and officials and officials appointed to all commissions and boards of the City

2.091. Purpose

The City Council of the City of Ham Lake determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of Ham Lake, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters the city council hopes to promote the faith and confidence of the citizens of Ham Lake as to their government, and to encourage its citizens to serve on its council and commissions.

2.092 Standards of Conduct

Subd. 1. No member of the City Council or a city board or commission may knowingly:

- a.** Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession or occupation.
- b.** Use the person's public position to secure special privileges or exemptions for the person or for others.
- c.** Use the person's public position to solicit personal gifts or favors.
- d.** Use the person's public position for personal gain.

- e. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward to for the person's official action.
- f. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the city council.
- g. Disclose information that was received, discussed or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the city council has authorized the disclosure.

Subd. 2. Except as prohibited by the provisions of Minn. Stat. Sec. 471.87, there is no violation of subdivision 1 a. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the city council under the circumstances described under Minn. Stat. Sec. 471.88, if proper statutory procedures are followed.

Subd. 3. Procedures

No complaint shall be accepted unless in writing, signed by the party making the complaint on a form provided by the City. All written complaints shall be forwarded to the members of the Ham Lake City Council. At the request of any council member, the complaint shall be placed on the agenda of a regular City Council meeting for public discussion. If no council member requests such placement within 30 days after the date the complaint was received, the complaint shall be deemed without merit and no further action taken.

If the matter is publicly discussed by the City Council, the City Council shall have the following options, exercisable at any time after the discussion:

- a. The Council can refer the matter for further investigation and report by internal staff or outside consultants; or
- b. The Council can request a written response from the accused party; or
- c. The Council can conduct a hearing at which both sides may present evidence in a manner prescribed by the Council; or
- d. The Council may summarily vote to dismiss the complaint without further consideration, or may vote to sustain the complaint without further consideration.

In Options 1, 2 and 3 above, the Council shall vote on whether to dismiss or sustain the complaint within a reasonable time after completing the process chosen or receiving the data requested. If the Council votes to sustain the Complaint, the Council may take any remedial action permitted by law. The Council may, but is not required to make specific findings of fact to justify its action.

2.093 Members at Will. Nothing in this Policy shall be deemed to abrogate the right of the City Council to appoint and terminate the appointments of City commission or board members at will, and all such members shall serve at the pleasure of the City Council.

2.094 Data Privacy. In the event that the nature of the complaint gives rise to data privacy rights on behalf of the complaining party, the accused, or third parties, the City Council may employ closed meetings, redactions of names or text, or other measure as permitted by law.

CHAPTER THREE

COUNCIL PROCEDURES

SECTION 3.01 Council Meetings

The Council shall meet regularly at least once each month at such times and places as the Council may from time to time designate by motion or resolution. The Mayor or any two (2) members of the Council may call a special meeting of the Council upon the giving of at least 72 hours notice from the time the Notice is first posted until the time of the commencement of the meeting. Notice to Councilmembers may be by any means reasonably calculated to reach them. Notice to the Public shall be by posting on the City's website, on any City signs maintained from time to time, and on a bulletin board in the vestibule of City Hall. Additional postings may be given, but are not required. All meetings of the City Council shall be open to the public except where permitted or required by law to be closed, and the records and minutes of the Council shall be accessible to the public at all reasonable times during regular City Hall business hours.

SECTION 3.02 Secretary of the Council

The City Clerk shall act as secretary of the Council. The City Clerk shall keep a journal of Council proceedings and perform such other duties as this charter or the Council may require. The Council may designate any other City official or employee, except 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 but a smaller number may adjourn from time to time. The Council may by rule 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's shall be by ordinance. The votes of the Council members on any action taken shall be recorded in accordance with statute. Except as otherwise provided in this charter, an affirmative vote of a majority of all members of the Council shall be required for the adoption of all ordinances and resolutions.

SECTION 3.05 Procedure on Ordinances

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

SECTION 3.06 Emergency Ordinances

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare in which the emergency is defined and declared in a preamble and the ordinance is adopted by a vote of at least 3 members of the Council.

SECTION 3.07 Procedure 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 3.08 Signing and Publication of Ordinances and Resolutions

Every ordinance or resolution passed by the Council shall be signed by the Mayor, attested by the City Clerk, and filed and preserved by the City Clerk. If the City Council determines that publication of the title and summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the Council may by a four-fifths vote of its members direct that only the title of the ordinance and a summary be published with notice that a printed copy of the ordinance is available for inspection by any person during regular office hours at the office of the City Clerk and any other location which the Council designates. A copy of the entire text of the ordinance shall be posted in the community library, if there is one, or if not, in any other public location which the Council designates. Prior to the publication of the title and summary the Council shall approve the text of the summary and determine that it clearly informs the public of the intent and effect of the ordinance. The publishing of the title and summary shall be deemed to fulfill all legal publication requirements as completely as if the entire ordinance had been published. To the extent and manner provided by law an ordinance may incorporate by reference a statute, state administrative rule or regulation of Minnesota, a code, or ordinance or part thereof without publishing the material referred to in full.

SECTION 3.09 When Ordinances and Resolutions Take Effect

Every resolution and emergency ordinance shall take effect immediately upon its 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.

SECTION 3.10 Amendment and Repeal of Ordinances and Resolutions

Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or part. No ordinance or resolution shall be amended by reference to the title alone, but such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added.

SECTION 3.11 Revision and Codification of Ordinances

The City may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet, or continuously revised loose-leaf form and copies shall be made available by the Council at the office of the City Clerk or general distribution to the public for a reasonable charge. Publication in such a code shall be sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the City Clerk is published in the official newspaper for at least two successive weeks.

CHAPTER FOUR

NOMINATIONS AND ELECTIONS

SECTION 4.01 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 commencing in 1986 at such place or places as the City Council may designate. The City Clerk shall give at least two weeks published notice of the time and place of holding such election and of the officers to be elected, but failure to give such notice shall not invalidate the election.

SECTION 4.02 Special Elections

The Council may by resolution order a special election and provide all means for holding it. The City Clerk shall give at least two weeks published notice of a special election. The procedure at such elections shall conform as nearly as possible to that prescribed for other City elections.

SECTION 4.03 Filing for Office

No earlier than ten weeks or later than eight weeks before the municipal election, any voter of the city qualified under the State constitution for elective office may, by filing an affidavit and paying a filing fee of \$25.00 to the City Clerk, have his/her name placed on the municipal election ballot.

SECTION 4.04 Procedure at Elections

Subject to this charter and applicable State laws, the Council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this charter and supplementary ordinances, general State laws on elections shall apply to municipal elections.

SECTION 4.05 Write-In Candidates

A write-in candidate who wants their write-in votes to be counted in the general election must file a written request with the city clerk no later than seven (7) days before the general election. All write-in votes cast for candidates who have not filed a written request shall not be recorded.

CHAPTER FIVE

INITIATIVE AND REFERENDUM

SECTION 5.01 General Voter Authority

The voters of the City shall have the right, in accordance with this charter, to propose ordinances and to require ordinances to be submitted to a vote by processes known respectively as the 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 10 percent of those who were registered to vote as of the completion of voting at the last preceding City election. Each petition shall be sponsored by a committee of five voters whose names and addresses and phone numbers shall appear on the petition. A petition may consist of one or more pages, but each paper circulated separately shall contain at its head or attached to it the statement required by Section 5.05 or 5.06, as the case may be. Each signer shall sign his/her name and give his/her street address. Each separate page of the petition shall have appended to it a certificate, verified by oath, that each signature is the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the City. Any person whose name appears on a petition may withdraw his/her name by a statement in writing filed with the City Clerk before the City Clerk advises the Council of the sufficiency of the petition.

SECTION 5.03 Determination of Sufficiency

Immediately upon receipt of the petition, the City Clerk shall examine the petition as to its sufficiency and report to the Council within 20 business days. Upon receiving the report, the Council shall determine by resolution the sufficiency of the petition.

SECTION 5.04 Disposition of Insufficient Petition

If the Council determines that the petition is insufficient or irregular the City Clerk shall deliver a copy of the petition, together with a written statement of its defects to the sponsoring committee. The committee shall have 30 business 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 Council finds that the petition is still insufficient or irregular, the City Clerk shall file the petition in his/her office and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the Council from referring the ordinance to the voters at the next regular or special election at its option.

SECTION 5.05 Initiative

Any 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 Council passes the proposed ordinance with amendments and a

majority of the sponsoring committee do not disapprove the amended form by a statement filed with the City Clerk within ten (10) days of its passage by the Council, the ordinance need not be submitted to the voters. If the Council fails to enact the ordinance in an acceptable form within sixty (60) days after the final determination of sufficiency of the petition, the ordinance shall be placed on the ballot at the next election occurring in the City. If no election is to occur within one hundred twenty (120) days after the filing of the petition, the Council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the ordinance vote in its favor, it shall become effective 30 days after adoption unless the ordinance specifies a later effective date.

SECTION 5.06 Referendum

An ordinance subject to the initiative may be subjected to referendum by a petition which 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, it shall be placed on the ballot at the next election or at a special election called for that purpose, as the Council determines. If a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date specified in the ordinance; if a majority of the electors voting thereon vote against the ordinance, it shall be considered repealed upon certification of the election results. 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. All such proposed ordinances, if acted upon by the City Council, shall be acted on within a time frame which, if later subjected to referendum, shall result in the referendum occurring at a next succeeding general election in the City, and no special election subjecting the proposal to referendum shall ever be held.

CHAPTER SIX

ADMINISTRATION OF CITY AFFAIRS

SECTION 6.01 Administrative Organizations

The Council may by ordinance establish City departments, offices, and agencies and prescribe their functions. No power or duty conferred by this charter upon a particular office or agency shall be transferred to any other.

SECTION 6.02 Subordinate Officers

There shall be a City Clerk and such other officers as the Council may establish by ordinance. The City Clerk shall be subject to the direction of the Council and shall have such duties in connection with the keeping of the public records, the custody and disbursement of the public funds, and the general administration of the City's affairs as the Council may prescribe. The City Clerk may be designated to act as secretary of the Council and also as treasurer. The Council may by ordinance abolish offices which have been created by ordinance and it may combine the duties of various offices as it may see fit.

SECTION 6.03 Purchases and Contracts

All purchases shall be made and all contracts let by the Council. Contracts shall be made in compliance with the uniform contracting law, and whenever competitive bids are required, the contract shall be let to the lowest responsible bidder. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Clerk on behalf of the City and shall be executed in the name of the City. The Council may, by ordinance, adopt further regulations for the making of bids and letting of contracts.

CHAPTER SEVEN

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 safe keeping and disbursement of public monies.

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 law, the Council shall have full power to provide by ordinance for a system of local taxation. This authority includes the power by ordinance to assess, levy, and collect taxes on all subjects or objects of taxation except as limited or prohibited by the State constitution, by this charter or by laws imposing restrictions upon the City irrespective of charter provisions.

SECTION 7.04 Submission of the Budget

Annually the City Administrator and/or Finance Director shall submit to the Council a recommended budget in accordance with a budget calendar to be established by ordinance or, in the absence of ordinance, by the first regular meeting in August. The budget shall provide a complete financial plan for all City funds and activities for the ensuing fiscal year and, except as required by law or charter, shall be in such form as the City Administrator and/or Finance Director deems desirable or the Council may require. It shall include a summary and show in detail all estimated income and all proposed expenditures, including debt service and comparative figures for the current fiscal year, actual and estimated, and the preceding fiscal year. In addition to showing proposed expenditures for current operations, it shall show proposed capital expenditures to be made during the year and the proposed method of financing each such capital expenditure. For each utility operated by the City, the budget shall show anticipated net surplus or deficit and the proposed method of its disposition; and subsidiary budgets for each such utility giving income and expenditure information shall be included or attached as appendices. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by law and this chapter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by law.

SECTION 7.05 Capital Improvement Program

The City Administrator and/or Finance Director shall prepare and submit to the Council a recommended five year capital improvement program no later than the first regular Council meeting in August. The capital improvement program shall include a list of all capital

improvements proposed to be undertaken during the next five fiscal years, with appropriate supporting information as to the necessity for such improvements; cost estimates, method of financing and recommended time schedules for each such improvement; and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. This information shall be revised and extended each year for capital improvements still pending or in process. The Council shall hold a public hearing on the capital improvement program and adopt it with or without amendment during the regular budget hearing as required by law. No capital improvement or expenditure shall be made inconsistent with the program adopted pursuant to this section.

SECTION 7.06 Council Action on Budget

The budget shall be considered at the first regular monthly meeting of the Council in August and at subsequent meetings until a budget is adopted for the ensuing year. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The Council may revise the proposed budget but no amendment to the budget shall increase the authorized expenditures to an amount greater than the estimated income. The Council shall adopt the proposed budget in a manner consistent with timelines established by the Truth in Taxation law, 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 certifying the proposed amount of taxes provided in the budget, and the City Clerk shall certify the proposed tax resolution to the County Auditor in accordance with law. The Council shall hold a public hearing on the proposed budget and Five Year Capital Improvement Program in accordance with State law between November 29 and December 20. The Council shall also adopt a resolution approving the final budget and levying the final amount of taxes provided in the budget following the public hearing, and the City Clerk shall certify the tax resolution to the County Auditor in accordance with law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution for the several purposes named.

SECTION 7.07 Enforcement of the Budget

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

SECTION 7.08 Alterations in the Budget

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

SECTION 7.09 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. The Council may, by ordinance or resolution, make inter-fund loans, except from trust and agency funds, as it may deem necessary and appropriate.

SECTION 7.10 City Indebtedness

Except as provided in Sections 7.11 and 7.12, 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 of less than 50% of the current City annual general fund budget and/or not exceeding a total bond debt of more than 50% of the current City annual general fund budget, for which an election is not required by this charter or by law, and except in the case of obligations, regardless of dollar amounts, which are proposed and/or issued in connection with public improvement projects for which special assessments levied under the provisions of Minnesota Statutes Chapter 429 are used to repay such obligations in whole or in part, no such obligations shall be issued and sold without the approval of the majority of the voters voting on the questions at a general or special election.

SECTION 7.11 Anticipation Certificates

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

SECTION 7.12 Emergency Debt Certificates

If in any year the receipts from taxes or other sources should for some unforeseen cause become insufficient for the ordinary expenses of the City, or if any calamity or other public emergency necessitates the making of extraordinary expenditures, the Council may by ordinance issue on such terms and in such manner as the Council determines emergency debt certificates to run not to exceed three years. A tax sufficient to pay principal and interest on such certificates with the

margin required by law shall be levied as required by law. The ordinance authorizing an issue of such emergency debt certificate shall state the nature of the emergency and be approved by at least three (3) members of the Council. It may be passed as an emergency ordinance.

CHAPTER EIGHT

PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS

SECTION 8.01 Power to Make Improvements and Levy Assessments

The City may make any type of public improvement not forbidden by law and levy special assessments to pay all or any part of the cost of such improvements as are of local character. The total assessments for any local improvement may not exceed the cost of the improvement, including all costs and expenses connected therewith, with interest. “Except as provided in Section 8.04 below and except as provided by Minnesota law pertaining to assessments in the nature of municipal Regulatory Service Fees for the abatement of nuisances, no assessment shall exceed the benefits to the property.”

SECTION 8.02 Assessments for Services

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

SECTION 8.03 Local Improvement Procedure

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

SECTION 8.04 Pest Control Assessments

Pursuant to the provisions of Minnesota Statutes Chapter 18G.13, and all amendments thereto, if the City by resolution or ordinance adopts pest control measures that provide for the summary removal of diseased trees (including living, dead, standing or fallen trees) or parts thereof, such as branches, bark or roots, from private property, or the summary correction of conditions that tend to promote the spread of plant disease, the City may recover its costs of implementing such measures against the property to which the measures apply, in the following manner:

1) Prior to the summary removal of the diseased items, or the correction of the condition, the City staff has given notice to the owner of the property to remove the trees or correct the condition, to be implemented within 30 days of the date of the notice. Notice shall be effective if sent by regular U.S. Mail, postage prepaid, to the person(s) or entity listed as owner in the public records of Anoka County. The notice shall include, without limitation the following advisory:

You are hereby notified that if you fail to comply with the demand to remove or correct the condition, State law authorizes the City to employ agents to come upon your property to remove trees or correct the condition, and to assess the cost of such activity against your property if you do not reimburse the City for such cost.

2) If the property owner fails to remove the diseased items or to correct the conditions within the time specified in the notice, and the City implements summary removal/correction procedures, the city's costs shall be computed and an invoice for such costs mailed to the owner, containing the following notice (blanks to be completed as information becomes available:

You are hereby notified that as a result of your failure to take corrective action to remove or correct diseased tree conditions as required in a previous notice to you the City of Ham Lake has completed the work at a cost of \$_____. If you do not remit this sum to the City on or before November 14, _____, the City will certify this amount as an assessment against your property for collection with taxes due in the year _____, together with interest thereon.

If the owner of the property fails to reimburse the City by the required date, the City costs shall be certified as an assessment for collection with real estate taxes, together with interest accrued at a rate to be established by resolution prior to the time of certification to the County, but if no resolution is then currently in effect, then at a rate of 3.0% per annum.

3) The foregoing procedures shall apply to all cases of removal/correction that occur in the year 2014 and thereafter, and notwithstanding the foregoing notice provisions, shall apply to all cases occurring in the year 2013 in which the property owner was given reasonable notice to remove or correct a disease condition accompanied by a statement that failure to do so would result in removal/correction at the owner's expense.

CHAPTER NINE

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, that may be needed by the City for any public purposes. In acquiring property by exercising the power of eminent domain, the City shall proceed according to Minnesota Statutes, Chapter 117 or other applicable law.

CHAPTER TEN

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 purposes, 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 City 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 years shall be effective until approved by a majority of the electors voting thereon.

SECTION 10.03 Public Hearing

Before any franchise ordinance is adopted or any rates, fares, or prices to be charged by a public utility are fixed by the Council, the Council shall hold a public hearing on the matter. Notice of such hearing s hall 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 the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

SECTION 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 ELEVEN

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

SECTION 11.01 Acquisition and Operation of Utilities

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

SECTION 11.02 Regulations and Rates

The Council may by ordinance fix rates, fares, and prices for any municipal utility, prescribe the time and manner of payment for any such service, make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

SECTION 11.03 Lease of Plant

The Council may by ordinance contract with any person, firm, or corporation for the operation of any municipal utility for a term not to exceed ten (10) years. Such ordinance shall not be an emergency ordinance.

SECTION 11.04 Sale of Public Utility

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 voters voting thereon at a general or special election. Any sale, lease, or abandonment of a water works or light plant shall be subject, in addition, to the requirements of State law.

CHAPTER TWELVE

GENERAL PROVISIONS

SECTION 12.01 Official Publication

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

SECTION 12.02 Oath of Office

Every elected or appointed officer of the City Hall shall, before entering upon the duties of his/her 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 and to discharge faithfully the duties devolving upon me as (title of office) of the City of Ham Lake to the best of my judgment and ability.”

SECTION 12.03 Official Bonds

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

SECTION 12.04 Official Interest in Contracts

Except as otherwise permitted by law, no officer 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 or personally benefit from such contract.

SECTION 12.05 Sale of Real Property

No real property of the City shall be disposed of, except by ordinance, with the exception of municipally owned cemetery lots. The net cash proceeds of any sale of the property shall be used to retire any outstanding indebtedness incurred by the City in the acquisition or improvement of the property. Any remaining net proceeds shall be used to finance other improvements in the capital improvement budget or to retire any other bonded indebtedness.

SECTION 12.06 Vacation of Streets

The Council may by ordinance approved by at least four (4) members of the Council vacate any street or alley or other public grounds 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 City

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

SECTION 12.08 Existing Ordinances Continued

All ordinances and regulations of the City in force when this charter takes effect and not inconsistent with this charter are continued in full force and effect until amended or repealed.

SECTION 12.09 Pending Condemnations, Improvements and Assessments

Any condemnation, improvement, 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 City prior to the time when this charter takes effect shall be collected as if this charter had not been adopted.

SECTION 12.10 Ordinances to Make Charter Effective

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

SECTION 12.11 Present Officers Continued

All elected and appointed officers of the City holding office on the effective date of this charter shall continue in office for the terms to which they were elected or appointed and until their successors shall have been elected or appointed and have qualified. The Council shall make such financial and other provisions for the fiscal year 1983 as will serve to carry on the government.

SECTION 12.12

This charter becomes effective thirty (30) days following election at which it was approved by at least 51 percent of the voters.

AMENDMENTS

Amended Section 12.05	Sale of Land	August 1, 1983
Amended Section 4.03	Filing Affidavits of Candidacy	June 2, 1986
Amended Section 4.03	Filing Affidavits of Candidacy	October 19, 1987
Amended Section 7.04, 7.05, 7.06	Budget	January 3, 1990
Amended Section 7.04, 7.05, 7.060	Budget, CIP	January 18, 1991 (Ordinance No. 91-2)
Revised 10/31/95 spelling corrections, etc.		
Revised 10/18/96 moved to Word		
Amended Section 2.03	Term of Mayor	March 17, 1997 (Ordinance No. 97-9)
Amended Section 7.10	City Indebtedness	November 1, 1999 (Ordinance 99-23)
Amended Section 2.05	Vacancies and Leaves of Absences of Council & Mayor	March 4, 2002 (Ordinance No. 02-04)
Amended Section 4.03	Filing Fee	March 18, 2003 (Ordinance No. 03-04)
Amended Sections 1.03, 5.06, 7.06	Representation on Charter by Councilmembers; time frames for petitions on referenda; dates for review of budget	September 19, 2005 (Ordinance No. 05-14)
Amended Sections 1.03, 2.03, 5.06, 7.06, 7.10,	Earlier amendments did not have a public hearing. A public hearing was held on February 1, 2010 and all earlier amendments were re-adopted on February 16, 2010 by Ordinance No. 10-04, Ordinance No. 10-05, Ordinance No. 10-06	
Amended Sections 3.08 and 5.02	Amending language regarding signers of petitions and size of type for publication of ordinances	February 16, 2010 (Ordinance No. 10-07)

Amended Section 2.09	Added a Code of Conduct for elected officials and officials appointed to various municipal boards and commissions	January 3, 2011 (Ordinance No. 11-01) effective April 6, 2011
Amended Section 3.01	Added notice of meeting	May 7, 2012 (Ordinance No. 12-05 Effective August 11, 2012)
Amended Section 7.04 & 7.05	Submission of the Budget and Capital Improvement by Administrator and/or Finance Director	December 17, 2012 (Ordinance No. 13-1 Effective March 21, 2013)
Amended Section 8.04	Pest Control Assessments	May 29, 2013 (Ordinance No. 13-2 Effective September 6, 2013)
Amended Section 4.05	Added Write-In Candidate	May 19, 2014 (Ordinance No. 14-09) Effective August 19, 2014
Amended Section 5.06	Referendums held at a General Election	August 17, 2015 (Ordinance No. 15-24) Effective November 21, 2015)