

A bill for an act

relating to statutory cities; providing for discharge of a charter commission; providing for compensation of charter commissions; authorizing charter amendments by ordinance; providing for water and sewer charges; amending Minnesota Statutes 2006, sections 410.05, subdivision 5; 410.06; 410.12, subdivision 7; 444.075, subdivision 3.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2006, section 410.05, subdivision 5, is amended to read:

Subd. 5. **Discharge.** (a) A charter commission in a statutory city may be discharged as follows:

(1) If the charter commission of a statutory city determines that a charter is not necessary or desirable, the commission may be discharged by a vote of three-fourths of its members.

(2) If a petition signed by registered voters equal in number to at least five percent of the registered voters in the city requesting a referendum to discharge the charter commission is filed with the city clerk, an election must be held on the issue at a general election or a special election pursuant to section 205.10. If a majority of the votes cast support the referendum, the charter commission shall be discharged.

(b) Another commission may not be formed sooner than one year from the date of discharge.

Sec. 2. Minnesota Statutes 2006, section 410.06, is amended to read:

**410.06 COMPENSATION; EXPENSES.**

The members of such commission shall receive no compensation, but the commission may employ an attorney and other personnel to assist in framing such charter,

**H.F. No. 3904, as introduced - 2007-2008th Legislative Session (2007-2008)**

and any amendment or revision thereof, and the reasonable compensation and the cost of printing such charter, or any amendment or revision thereof, when so directed by the commission, shall be paid by such city. The amount of reasonable and necessary charter commission expenses that shall be so paid by the city shall not exceed in any one year the sum of \$10,000 for a first class city and ~~\$1,500~~ \$5,000 for any other city; but the council may authorize such additional charter commission expenses as it deems necessary. Other statutory and charter provisions requiring budgeting of, or limiting, expenditures do not apply to charter commission expenses. The council may levy a tax in excess of charter tax limitations to pay such expenses.

Sec. 3. Minnesota Statutes 2006, section 410.12, subdivision 7, is amended to read:

Subd. 7. **Amendment by ordinance.** Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. ~~Such~~ The petition shall must be signed by ~~qualified~~ registered voters equal in number to ~~two percent of the total number of votes cast in the city at the last state general election~~ at least five percent of the registered voters in the city or 2,000, whichever is less. ~~If the city has a system of permanent registration of voters, only registered voters are eligible to sign the petition.~~ If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of charter amendments submitted by the charter commission, the council, or by petition of the voters, except that the council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance. As far as practicable the requirements of subdivisions 1 to 3 apply to petitions submitted under this section, to an ordinance amending a charter, and to the filing of such ordinance when approved by the voters.

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3.1        Sec. 4. Minnesota Statutes 2006, section 444.075, subdivision 3, is amended to read:

3.2            Subd. 3. **Charges; net revenues.** (a) To pay for the construction, reconstruction,  
3.3 repair, enlargement, improvement, or other obtainment, the maintenance, operation and  
3.4 use of the facilities, and of obtaining and complying with permits required by law, the  
3.5 governing body of a municipality or county may impose just and equitable charges for  
3.6 the use and for the availability of the facilities and for connections with them and make  
3.7 contracts for the charges as provided in this section. The charges may be imposed with  
3.8 respect to facilities made available by agreement with other municipalities, counties  
3.9 or private corporations or individuals, as well as those owned and operated by the  
3.10 municipality or county itself.

3.11            (b) Notwithstanding local charter restrictions, charges made for service rendered  
3.12 shall be as nearly as possible proportionate to the cost of furnishing the service.