

until the 1980 federal decennial census is completed and the results filed or until such other special federal census as may be authorized is completed. The expense of taking the special census shall be paid by the village of Chanhassen.

Sec. 2. This act takes effect when approved by the governing body of the village of Chanhassen and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved June 7, 1971.

CHAPTER 899—H.F.No.1169

[Not Coded]

An act relating to the city of Shakopee; providing for election and salary of mayor and other council members, for a city manager and establishing his duties; for certain budgetary matters; for the conduct of certain of its municipal affairs.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **SHAKOPEE, CITY OF; GENERAL POWERS; OFFICERS; NAME AND BOUNDARIES.** The city of Shakopee in the county of Scott and state of Minnesota shall, upon the taking effect of this amendment to its charter, continue to be municipal corporation under the name and style of the city of Shakopee with the same boundaries as now are or hereafter may be established.

Sec. 2. **WARDS.** The city of Shakopee shall be divided into wards as prescribed by ordinance and the common council shall have the power to divide wards into precincts by ordinance. Each ward shall contain as nearly as practicable an equal number of voters and whenever the number of registered voters in any ward shall exceed by 20 percent the number of registered voters in any other ward, the common council shall change the boundary lines to equalize the number of voters in all wards. The wards shall be named as first ward, second ward, third ward and so on.

Sec. 3. **GENERAL POWERS.** The city of Shakopee shall sue and be sued in its corporate name and shall have the power to make and use a common seal, and alter it at pleasure and to take, receive, hold and purchase, lease and convey any and all real and personal property that the purposes of the corporation may require, within or without its corporate limits and shall have all powers which may now

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or hereafter be possible for a municipal corporation of this state to hold and exercise in harmony with the constitution of this state and nation. It is the intention of this charter that every power which the people of the city of Shakopee might lawfully confer upon themselves, as a municipal corporation, by specific enumeration in this charter shall be deemed to have been so conferred by the provisions of this section and this charter shall be liberally construed in favor of the city and specific mention of particular powers shall not be construed as limiting in any way the generality of the powers herein or by general law conferred.

Sec. 4. ELECTIONS; WHEN HELD. Subdivision 1. Sixty days after the effective date of this act, unless such a date is within four months of a regular election, a special election shall be held to elect a mayor and members of the common council, all of whom shall be elected for a term beginning ten days after such election and who shall remain in office until their successors are duly elected at the next general city election and have qualified.

Subd. 2. At the first regular municipal election occurring after the effective date of this act, there shall be elected the mayor and three council members who shall serve for two years and three council members who shall serve for four years. Thereafter, at the regular municipal elections to be held as otherwise herein provided, the mayor shall be elected to serve for two years, and the council members shall be elected to serve for four years, as the respective initial terms thereof expire.

Sec. 5. OFFICERS TO BE ELECTED AND APPOINTED, INCOMPATIBLE OFFICES, AND SALARIES. Subdivision 1. The elective officers of said city shall be a mayor and six council members. All of said officers shall be residents within and qualified electors of said city, and shall be elected at large. All other officers necessary for the proper management of the affairs of the city shall be appointed by the common council, unless otherwise provided.

Subd. 2. No member of the council shall be appointed city manager, nor shall any member hold any other paid municipal office or employment under the city; and until one year after expiration of his term as mayor or councilman no former member shall be appointed to any paid appointive office or employment under the city which office or employment was created or the emoluments of which were increased by the council during his term as councilman.

Subd. 3. The members of the council shall receive a salary, the amount and payment of which shall be prescribed by ordinance. Until the first such ordinance is duly adopted the members of the council shall each receive as a salary the sum of \$75 per month. In addition thereto the mayor shall receive as additional salary the sum of \$50 per month. Any increase in salary must be passed by a

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five-sevenths majority of the council. When authorized by the council, its members shall be compensated for their expenses incurred in connection with the city's business. The city manager and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the council.

Sec. 6. GENERAL ELECTION LAWS TO APPLY. All provisions of state election laws applicable to cities and not inconsistent with this charter shall apply to elections in the city of Shakopee.

Sec. 7. SPECIAL ELECTIONS. The common council may by resolution order special elections for any municipal purpose including so-called advisory elections and provide all means for holding same.

Sec. 8. FORM OF GOVERNMENT. Subdivision 1. The form of government established by this charter is the "Council-Manager Plan." The council shall exercise the legislative power of the city and determine the policy. The city manager shall be the head of the *administrative branch of the city government* and shall be responsible to the council for proper administration of all affairs relating to the city.

Subd. 2. There shall be no separate boards or commissions except the police civil service commission and commissions for the administration of a function jointly with another political unit; provided, however, that there shall be a merit board established pursuant to the provision of this charter. The common council shall itself be and perform the duties and exercise the powers of such boards and commissions except the merit board. The common council may, however, establish boards or commissions to advise the council with respect to any municipal function or activity, to investigate any subject of interest to the city or to perform quasi-judicial functions.

Sec. 9. APPOINTIVE POSITIONS. The common council of the city of Shakopee shall appoint the following positions for indefinite terms:

(1) A city recorder to be the secretary of the common council and to perform such additional duties as prescribed by the charter, the council, or city manager.

(2) A city treasurer who shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed books of accounts thereof as the common council and city manager may, from time to time, direct. The treasurer shall exhibit to the common council and city manager at least 13 days before the annual election, or sooner if required by either, a full and detailed account of the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account

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shall be filed with the council and city manager and a copy of the same published in one or more of the city newspapers. He shall also report to the common council and city manager at such times and in such manner as they may require.

(3) A city attorney who shall be the chief legal officer of the city and perform all professional services incident to his office and, when requested, he shall furnish opinions upon any legal question submitted to him by the council or its committees or by the city manager.

Sec. 10. OATH OF OFFICE; BONDS. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the city manager. Such officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Shakopee a bond, with corporate surety satisfactory to the common council; and such bonds shall contain such penal sums and such conditions as the common council and the city manager may deem proper.

Sec. 11. COUNCIL MEETINGS. On the first Tuesday following the regular city biennial election, the common council shall meet at the usual place and time for holding council meetings. Thereafter the council shall meet on the second Tuesday of each month at a time and place prescribed by resolution or call of the mayor or council members. The mayor or any three members of the common council may call special meetings upon written notice to each member of the council delivered to him personally or left at his usual residence with a responsible person.

Sec. 12. MAYOR A MEMBER. The mayor shall preside at council meetings and as a member thereof has a vote.

Sec. 13. RECORDER IS SECRETARY OF COUNCIL. The city recorder shall be the secretary of the common council and he shall keep a journal of council proceedings and such other records as the laws of the state, this charter, or the common council requires. In his absence the council may designate any official or employee to act as secretary except the city manager or a member of the council.

Sec. 14. PROCEDURE AND QUORUM. The common council shall determine its own order of business and rules of procedure and where not so provided, Roberts' Rules of Order Revised shall govern.

A majority of the members of the elected council shall constitute a quorum to do business, but a smaller number may adjourn from time to time.

Sec. 15. ORDINANCES, RESOLUTIONS, AND MOTIONS. Except as in this charter otherwise provided, all legislation shall be by

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ordinance. The aye and no vote on ordinances, resolutions, and motions shall be recorded unless the vote is unanimous. An affirmative vote of a majority of all the members of the council shall be required for the passage of all ordinances and resolutions, except as otherwise provided in this charter.

Sec. 16. PROCEDURES ON ORDINANCES AND RESOLUTIONS. The enacting clause of all ordinances shall be the words: "The common council of the city of Shakopee does ordain...". Every ordinance shall be presented in writing, and all regulations, resolutions and bylaws shall be passed by majority vote and published once in the official paper; and, except for an emergency ordinance, shall not take effect until 30 days after publication or at such later date as fixed therein.

No ordinance except an emergency ordinance shall be passed at the meeting at which it is introduced and at least 14 days shall elapse between its introduction and passage.

All ordinances and every written resolution shall be signed by the mayor and attested to by the city recorder before becoming effective and shall thereafter be admitted as evidence in any court of the state without further proof.

The city may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the council. Such ordinance code shall 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 secretary of the council for general distribution to the public free or at a reasonable charge.

Sec. 17. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS. The city shall have the power to make any and every type of public improvement not forbidden by the laws of this state and so levy special assessments for all or any part of the cost of such improvements as are of local character, pursuant to the laws of Minnesota.

The common council may provide by ordinance that cost of snow or rubbish removal or of any other service to streets, sidewalks or other public property or the cost of any other service to the property undertaken by the city may be assessed against the property benefitted and collected in like manner as are special assessments.

Sec. 18. COMMON COUNCIL TO CONTROL FINANCES. The common council shall have full authority over financial affairs of the city, and shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public moneys and in the exercise of a sound discretion shall make appropriations for the payment of all liabilities and expenses.

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Sec. 19. **FISCAL YEAR.** The fiscal year of the city shall be the calendar year.

Sec. 20. **SYSTEM OF TAXATION.** Subject to the state constitution, and except as forbidden by it or by state legislation, the common council shall have full power to provide by ordinance for a system of local taxation. In the taxation of real and personal property as such, the city shall conform as fully as possible to the general state law as to the assessment of such property and the collection of such taxes.

Sec. 21. **CITY ASSESSOR AND BOARD OF EQUALIZATION.** The common council shall elect an assessor, who shall perform all the duties in relation to the assessing of property for the purpose of levying all city, county, and state taxes, and upon the completion of the assessment roll, he shall return the same to the common council, who may alter, revise, and equalize the same, as they may deem it just and proper, and said assessment as revised and equalized by the common council, shall be final, subject only to the revision of the state board of equalization.

Sec. 22. **PREPARATION OF BUDGET.** The city manager shall prepare the estimates for the annual budget. The budget shall be by funds and shall include all the funds of the city, except the funds made up of proceeds of bond issues, utility funds, and special assessment funds, and may include any of such funds at the discretion of the council. The estimates of expenditures for each fund budgeted shall be arranged for each department or division of the city under the following heads:

- (1) ordinary expenses (for operation, maintenance, and repairs);
- (2) payment of principal and interest on bonds and other fixed charges;
- (3) capital outlays (for new construction, new equipment, and all improvements of a lasting character).

Ordinary expenses shall be subdivided into:

- (a) Salaries and wages, with a list of all salaried offices and positions, including the salary allowance and the number of persons holding each;
- (b) Other expenses; with sufficient detail to be readily understood.

All increases and decreases shall be clearly shown. In parallel columns shall be added the amounts granted and the amounts expended under similar heads for the past two completed fiscal years and the current fiscal year, actual to date and estimated for the

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balance of the year. In addition to the estimates of expenditures, the budget shall include for each budgeted fund a statement of the revenues which have accrued for the past two completed fiscal years with the amount collected and the uncollected balances together with the same information, based so far as necessary on estimates, for the current fiscal year, and an estimate of the revenues for the ensuing fiscal year. The statement of revenues for each year shall specify sums derived from:

- (a) Taxation;
- (b) Fees;
- (c) Fines;
- (d) Interest;
- (e) Miscellaneous, not included in the foregoing;
- (f) Sales and rentals;
- (g) Earnings of public utilities and other public service enterprises;
- (h) Special assessments; and
- (i) Sales of bonds and other obligations.

Such estimates shall be printed or typewritten and there shall be sufficient copies for each member of the council, for the city manager, for the city clerk, and three at least, to be posted in public places in the city. The estimates shall be submitted to the council at its first regular monthly meeting in September and shall be made public six days prior to adoption. The city manager may submit with the estimates such explanatory statement or statements as he may deem necessary, and during the first three years of operation under this charter he shall be authorized to interpret the requirements of this section as requiring only such comparisons of the city's finances with those of the previous government of the city as may be feasible and pertinent.

Sec. 23. **PASSAGE OF BUDGET.** The budget shall be the principal item of business at the first regular monthly meeting of the council in September and the council shall hold adjourned meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable opportunity to be heard. The budget estimates shall be read in full, explaining the various items thereof as fully as may be deemed necessary by the council. The annual budget finally agreed upon shall set forth in detail the complete financial plan of the city for the ensuing fiscal year for the funds budgeted and shall be signed

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by the majority of the council when adopted. It shall indicate the sums to be raised and from what sources and the sums to be spent and for what purposes according to section 5. The total sum appropriated shall be less than the total estimated revenue by a safe margin. The council shall adopt the budget not later than the first week of October 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 purpose of budget control. The council shall also adopt a resolution levying whatever taxes it considers necessary within statutory limits for the ensuing year for each fund. The tax levy resolution shall be certified to the county auditor in accordance with law not later than October 10. At the beginning of the fiscal year, the sums fixed in the budget resolution shall be and become appropriated for the several purposes named in the budget resolution and no other.

Sec. 24. ENFORCEMENT OF BUDGET. It shall be the duty of the city manager to enforce strictly the provisions of the budget. He shall not approve any order upon the city treasurer for any expenditure unless an appropriation has been made in the budget resolution unless there is a sufficient unexpended balance left after deducting the total past expenditures and the sum of all outstanding orders and incumbrances. 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 therein authorized shall be a personal obligation upon the person incurring the expenditure.

Sec. 25. ALTERATIONS IN THE BUDGET. After the budget resolution has been adopted, the council shall have no power to increase the amounts fixed in the budget resolution by insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts exceed the estimates and then not beyond the actual receipts. The council may, at any time, by resolution approved by a majority of its members, reduce the sums appropriated for any purpose by the budget resolution or by a vote of five members authorizing the transfer of sums from unencumbered balances of appropriations in the budget necessary to other purposes, provided, however, the city manager may make transfers of sums within the major expense classifications in a department or division. However, he may not transfer appropriations between major expense classifications within a department or division nor may he transfer appropriations between departments or divisions without council approval.

Sec. 26. EMERGENCY APPROPRIATION IN BUDGET. The council may include an emergency appropriation as a part of the budget but not to exceed 10 percent of the total budget. A transfer from the emergency appropriation to any other appropriation shall be

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made only by a vote of at least five members of the council and shall be used only for the purposes designated by the council.

Sec. 27. DISBURSEMENTS. No disbursement of city funds shall be made except by a negotiable instrument bearing the actual or authorized facsimile signature of the mayor, the city manager, and the treasurer. No such negotiable instrument shall be issued until the claim to which it relates has been supported by an itemized bill, payroll, timesheet, voucher or the like approved and signed by the responsible city officer who vouches for its correctness and reasonableness. The city manager shall note on each contract requiring the payment of money by the city, the particular fund out of which it is to be paid. The council may by ordinance make further regulations for the safekeeping and disbursements of the funds of the city.

Sec. 28. FUNDS TO BE KEPT. Subdivision 1. There shall be maintained in the city treasury a general fund for the payment of such expenses as the council may deem proper. Into this fund shall be paid all moneys levied for this fund and all moneys not required to be placed in some other fund.

Subd. 2. There shall also be maintained in the city treasury such other funds, or division of funds, as the budget shall require or the city manager and council shall direct. There shall also be maintained in the city treasury such other funds or division of funds as are required by law, ordinance or resolution.

Sec. 29. ACCOUNTS AND REPORTS. The city manager shall be the chief accounting officer of the city and of every branch thereof, and the council may prescribe and enforce proper accounting methods, forms, blanks, periodic reports and other devices consistent with the law, this charter, and the ordinances adopted in accordance therewith. Once a year, on or before the last day of February, the city manager shall submit a report to the council covering the entire financial operations of the city for the past year and whenever else required.

Sec. 30. CITY INDEBTEDNESS. Except as otherwise provided, no obligation shall be issued to pay current expenses, but the council may issue and sell obligations for any other municipal purpose in accordance with law and within the limitations prescribed by law. Except in the case of obligations for which an election is not required by this charter or state law, no such obligation shall be issued and sold without the approval of the majority of electors of the city voting thereon at a general or special election.

Sec. 31. IMPROVEMENT REVOLVING FUND. The council may by a five-sevenths vote, establish by ordinance, a permanent *improvement revolving fund for the purpose of financing public improvements*, and may by the same vote authorize the issuance of

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general obligation bonds for the establishment and operation of such fund, or for increases in moneys required for the operation of such fund. Expenditures may be made from permanent improvement revolving fund only

(1) for an improvement, the obligation for which is payable wholly or partially from the proceeds of special assessments levied or to be levied upon property especially benefitted by the improvement, provided an ad valorem tax is levied, or other moneys pledged for that portion of such expenditure not specially assessed; or

(2) for any public convenience from which revenue is or may be derived, provided, that the full faith and credit of the city is pledged to replace any deficiencies in such revenues; or

(3) for any other public improvements for which the issuance of general obligation bonds of the city it authorized, either by statute or this charter; providing that all requirements for the issuance of such general obligation bonds are complied with and the full faith and credit of the city are pledged to repay such expenditures to the permanent improvement revolving fund in accordance with the laws authorizing the issuance of such general obligation bonds.

Sec. 32. TAX ANTICIPATION CERTIFICATES. At any time after January 1, following the making of an annual tax levy, the council may issue certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total amount of certificates issued against any fund for any year with interest thereon until maturity shall not exceed 90 percent of the total current taxes for the fund uncollected at the time of issuance. Such certificates shall be issued on such terms and conditions as the council may determine and shall bear interest at no more than the legal rate, but they shall become due and payable not later than April 1 of the year following their issuance. The proceeds of the tax levied for the fund against which tax anticipation certificates are issued and the full faith and credit of the city shall be irrevocably pledged for the redemption of the certificates in the order of their issuance against the fund.

Sec. 33. EMERGENCY DEBT CERTIFICATES. If in any year the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the city, or any calamity or other public emergency should subject the city to the necessity of making extraordinary expenditures the council may by ordinance issue and sell on such terms and in such manner as the council determines emergency debt certificates to run not to exceed two years and to be at interest not more than the legal rate. 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 certificates

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shall state the nature of the emergency and be approved by at least five members of the council. It may be passed as an emergency ordinance.

Sec. 34. MAY ISSUE BONDS FOR COUNTY PURPOSES. The city of Shakopee in the county of Scott is hereby authorized to issue the bonds of said city for the purpose of purchasing lands in the said county, and for the repair and enlargement of existing county buildings, and the erection of new buildings for the use of said county; and the said county is authorized to accept the same. The issue of said bonds shall not exceed in amount the sum of \$50,000 and shall be in denominations of not exceeding \$1,000 each, and shall draw interest at a rate not exceeding the legal rate per annum, payable annually at said city of Shakopee and said bonds shall be payable within 20 years after the issue thereof.

Sec. 35. ORDER STREET WORK. The common council shall have power to order and contract for the opening, grading, repairing, and cleaning of the streets, alleys, public grounds, reservoirs, gutters, and sidewalks within the city.

Sec. 36. PURCHASE OF EQUIPMENT AND ORGANIZATION OF DEPARTMENT. The common council shall have power to purchase fire engines and other fire apparatus and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited, and their apparatus to be given up. Each company shall not exceed 100 able bodied men between the ages of 18 and 50 years, and may elect their own officers, and form their own by-laws, not inconsistent with the laws of this state, or the ordinances of said city, and shall be formed only by voluntary enlistment.

Sec. 37. SUPPORT OF DEPARTMENT. The common council may provide by ordinance for the organization of the fire department in said city, and the duties of the several officers and members thereof. They may make reasonable appropriations for the support of said fire department, or of the several companies thereof, which shall be paid out of the general fund of said city.

Sec. 38. THE CITY MANAGER. The city manager shall be the chief administrative officer of the city. He shall be chosen by the council solely on the basis of his training, experience, and administrative qualifications and need not be a resident of the city at the time of his appointment and may not have been a member of the council two years previous. The city manager shall be appointed for an indefinite period and may be removed by the council at any time; but after he has served as manager for one year, he may demand written charges and a public hearing on the charges before the council prior

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to the date when his final removal takes effect. After such hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the manager or make his removal final. Pending such hearing and removal, the council may suspend the manager from office. The council may designate some properly qualified person to perform the duties of the manager during his absence or disability or while the office of manager is vacant.

The first city manager shall be appointed by the first council elected under the provisions of this charter.

Sec. 39. POWERS AND DUTIES OF THE CITY MANAGER.
Subdivision 1. Subject to the provisions of this charter and any council regulations consistent therewith, the city manager shall control and direct the administration of the city's affairs. He shall have the powers and duties set forth in the following subdivisions:

Subd. 2. He shall see that this charter and the laws, ordinances and resolutions of the city are enforced.

Subd. 3. He shall appoint and remove, upon the basis of merit and fitness and subject to applicable merit system provisions, all heads of departments and all subordinate officers and employees in the departments, except the police department.

Subd. 4. He shall exercise control over all departments and divisions of the city administration created by this charter or by the council.

Subd. 5. He shall attend all meetings of the council, with the right to take part in the discussion but not to vote; but the council may in its discretion exclude him from any meeting at which his removal is considered.

Subd. 6. He shall recommend to the council for adoption such measures as he may deem necessary for the welfare of the people and the efficient administration of the city's affairs.

Subd. 7. He shall keep the council fully advised as to the financial condition and needs of the city, and he shall prepare and submit to the council the annual budget.

Subd. 8. He shall prepare and submit to the council for adoption an administrative code, incorporating the details of administrative procedure, and from time to time, he shall suggest amendments to such code.

Subd. 9. He shall perform such other duties as may be prescribed by this charter or by law or required of him by ordinances or resolutions adopted by the council.

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Sec. 40. PURCHASES AND CONTRACTS. The city manager shall be the chief purchasing agent of the city. All city purchases and contracts shall be made or let by the city manager when the amount of the purchase or contract does not exceed \$1,000. All other purchases shall be made and all other contracts let by the council after the recommendation of the city manager has first been obtained. All contracts, bonds, and instruments of any kind to which the city is a party shall be signed by the mayor and the city manager on behalf of the city and shall be executed in the name of the city.

Sec. 41. CONTRACTS; HOW LET. In all cases of work to be done by contract, or of the purchase of personal property of any kind, where the amount involved is more than \$1,000, unless the council shall by an emergency ordinance otherwise provide, the city manager shall advertise for bids in such manner as may be designated by the council. Contracts of this magnitude shall be let only by the council upon the recommendation of the city manager to the lowest responsible bidder. The council may, however, reject any and all bids. Nothing contained in this section shall prevent the council from contracting by a five-sevenths vote for the doing of work with patented processes, or from the purchasing of patented appliances by the same majority. Subject to the provisions of this charter, the council may by ordinance adopt further regulations for the making of bids and the letting of contracts.

Sec. 42. MERIT SYSTEM. Subdivision 1. The city council shall, by ordinance, establish a merit system, which shall cover all presently employed permanent employees of the city of Shakopee and all future permanent employees of the city of Shakopee excepting the city manager and the city attorney and their respective staffs exclusive of clerical, who shall not be covered by the merit system, and excepting the police department which shall continue under the present civil service commission.

Subd. 2. Such ordinance shall establish a merit board composed of three members appointed by the council from among the qualified electors of the city. Each member shall serve for a term of three years and until a successor is appointed and qualified, except that of the members initially appointed, one shall serve for a term of one year, one shall serve for a term of two years and one shall serve for a term of three years. The members shall serve without compensation but shall be reimbursed for expenses incurred in connection with the city's business. The city council may at any time remove a member from the merit board for just cause.

Subd. 3. All city employees and officers covered by the merit system as provided for herein, shall be appointed by the city manager on the basis of merit and fitness, pursuant to the rules and regulations established by the merit board. The manager may make recommendations to the merit board concerning such rules and

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regulations. The rules and any amendments thereto, when approved by the city council and posted at the city hall shall have the force and effect of law. The rules shall include provisions for, but not be limited to, classification of positions; competitive examination; rejection of applicants; eligible lists; certification of eligibles to the appointing authority; promotions; demotions; suspensions; lay off; discharge; and general working conditions including hours of work, holidays, sick leave, vacation, and leaves of absence. No permanent employee, except as herein provided shall be dismissed, suspended, removed or reduced in grade except for cause as set forth in said rules and regulations. All permanent covered city employees shall have the right to appeal a dismissal, suspension, removal or reduction in grade within ten days thereafter to the merit board. If it is established by a fair preponderance of the evidence that the appealing employee was dismissed, suspended, removed or reduced in grade for reasonable cause, which may not be political, racial, religious in nature, the merit board shall confirm such action, otherwise the merit board shall have the power to reinstate such employee on such terms and conditions as it sees fit.

Sec. 43. ACQUISITION AND OPERATION OF UTILITIES. The city may own and operate any gas, water, heat, power, light, telephone or other public utility for supplying utility service to private consumers or both. It may construct all facilities reasonably needed for that purpose and may acquire any existing utility properties so needed; but no proceedings to acquire any such public utility shall be consummated unless the city has the money in the treasury to pay for the acquisition or has made provision for paying for the property proposed to be acquired. The operation of all public utilities owned by the city shall be under the supervision of the city manager.

Sec. 44. RATES AND FINANCES. Upon recommendations made by the city manager or upon its motion, the council may fix rates, fares and prices, for municipal utilities but such rates, fares and prices shall be just and reasonable. In like manner the council may prescribe the time and manner in which payments for all such services shall be made, and may make such other regulations as may be necessary, and prescribe penalties for violation of such regulations.

Sec. 45. PURCHASES IN BULK. The council may, in lieu of providing for the local production of gas, electricity, water, and other utilities, purchase the same in bulk and resell them to local consumers at such rates as it may fix.

Sec. 46. LEASE OF PLANT. The council may, if the public interests will be served thereby, contract with any responsible person, copartnership, or corporation, for the operation of any utility owned by the city, upon such rentals and conditions as it may deem necessary; but such contract shall be embodied in and let only by an

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ordinance approved by a majority of the electors voting thereon at a general or special election. In the case of a water works or light plant, any sale, lease, or abandonment shall be subject, in addition, to the requirements of law.

Sec. 47. SUITS, HOW INSTITUTED. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer by leaving a copy of the process with the mayor or acting mayor; and it shall be the duty of the mayor forthwith to inform the city attorney, and the common council thereof, and take such other proceedings as by the ordinance or resolutions said council may have in such case provided.

Sec. 48. OFFICIAL PUBLICATIONS. The council shall annually designate a legal newspaper of general circulation in the city as its official newspaper in which shall be published ordinances and other matters required by law to be so published as well as such other matters as the council may deem it in the public interest to have published in this manner.

Sec. 49. CITY OFFICERS NOT TO BE INTERESTED IN CONTRACT. 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 such contract or personally benefit financially therefrom. Every public officer who violates this provision is guilty of a gross misdemeanor.

Sec. 50. ORDINANCE TO MAKE CHARTER EFFECTIVE. The council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions in this charter.

Sec. 51. OFFICERS AND EMPLOYEES. Subdivision 1. RIGHTS AND PRIVILEGES PRESERVED. Nothing except as specifically provided shall effect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

Subd. 2. CONTINUITY. Except as specifically provided in this charter, if at the time the amendment hereto takes effect, a city officer or employee who holds any office or position not abolished shall continue in such office or position until the taking effect of some specific provision hereunder directing he vacate this office or position, providing, however, his duties may be increased or diminished by charter.

Subd. 3. PERSONNEL. An employee holding a city position at the time the amendments take effect who was holding a comparable position at the time shall not be subject to competitive tests as a condition of continuance in the same position, if not abolished, and in all other respects shall be subject to the merit system provided.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 52. **TRANSFER OF POWERS AND RECORDS.** If a city department, office or agency is abolished by this amendment, the power and duties appertaining thereto shall be transferred to the department, office or agency designated herein or by the common council. All property, records and equipments of any such department, office or agency shall be transferred to the department, office or agency assuming its powers and duties or to such agency, office or department as designated by the common council.

Sec. 53. **AMENDMENT.** This charter may be amended by the legislature or by ordinance.

Any amendment by ordinance, before it shall take effect, shall be approved by a majority of the voters voting at the election at which this amendment is submitted and such amendment, if approved, shall not have the effect of state law as do other provisions of this charter.

Sec. 54. **EFFECTIVE DATE.** The amendments of the charter shall become effective only after its approval by a majority of the voters of the city of Shakopee voting on the question at an election held for that purpose and upon compliance with section 645.021. If voters fail to approve, the question may be submitted at subsequent election called for such purpose occurring anytime prior to January 1, 1973.

Approved June 7, 1971.

CHAPTER 900—H.F.No.1353

[Coded]

An act establishing a community school program; appropriating money therefor.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[121.85] EDUCATION; COMMUNITY SCHOOL PROGRAMS; APPROPRIATION; PURPOSE.** The purpose of this act is to make maximum use of the public schools of Minnesota by the community and to expand utilization by the school of the human resources of the community, by establishing a community school program.

Sec. 2. **[121.86] ADMINISTRATION.** There is hereby created within the department of education the position of state director of community school programs who shall administer this act, subject to the control of the state board of education. The director shall prepare and submit to the board recommended rules and regulations defining program areas, reimbursement procedures, and any other requirements relevant to the promotion, implementation, and opera-

Changes or additions indicated by underline, deletions by ~~strikeout~~.