

CHAPTER 33.

[H. F. No. 1247.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS.

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

SECTION 1. That that certain act entitled "an act to amend and consolidate the charter of the City of Minneapolis" approved March eighth (8th), one thousand eight hundred and eighty-one (1881), as the same has been amended, be and is hereby further amended in manner following, to-wit:

SEC. 2. By amending section nine (9), chapter two (2), of said charter, so that the same shall read as follows:

Section 9. Any officer removing from the city or the ward for which he was elected or appointed, or any officer elected under the provisions of this charter, who shall refuse or neglect to enter upon the discharge of the duties of his office for ten (10) days after the beginning of the term which he was elected to fill, he having at least ten (10) days prior thereto been notified of his election, or any officer appointed under the provisions of this charter who shall refuse or neglect to enter upon the discharge of the duties of his office for ten (10) days after notice of his appointment, shall be deemed to have vacated or abandoned his office. Any officer having entered upon the duties of his office may resign the same by and with the consent of the city council. All vacancies except as herein provided shall be filled by the city council.

SEC. 3. By amending section five (5), chapter three (3), of said charter, so that the same shall read as follows:

Section 5. The city council shall at the time and in the manner specified in this chapter for the appointment of other city officers elect and appoint a city attorney.

The city attorney may appoint an assistant city attorney, who shall be designated as the first assistant city attorney, and the city attorney may, by and with the consent of the city council, appoint such other assistants and clerical force as may be necessary.

The city attorney and his assistants shall constitute the legal department of the city of Minneapolis, and shall have charge of all legal matters connected with the city government and all the several heads and departments of the same, board of education, board of health, board of police commissioners, library board, and any other boards which now exist or are hereafter established in connection with the city government.

The city attorney shall be the head of such legal department, and shall have the control, supervision and direction of all matters in such department. He shall be the legal adviser of the mayor, city council, its committees, and all other officers of the city and of the boards hereinabove named. He shall, either personally or by such assistants as he may designate, render and perform all the legal services incident to the legal department, when required furnish opinions on legal questions submitted to him by the mayor and other officers, the city

council or its committees, or by either of the above named boards. He shall personally, or by an assistant by him designated, attend the stated and special meetings of the council, and when requested, the meetings of the committees or the above named boards.

The assistant city attorney shall assist in the legal department of the city as the city attorney may direct and indicate, and shall be under his supervision and direction in the performance of their duties. The first assistant city attorney shall act as city attorney in the absence or inability of the city attorney to act.

~~The above named boards shall in no case employ, retain or pay any attorney for legal services in their boards or departments, and it is hereby made the duty of said boards and each of them, whenever the advice, opinion or services of an attorney is required, to call upon the city attorney for such advice, opinion or services, and the same shall be given by him personally or by an assistant by him indicated.~~

Provided, that the provisions of this section shall not apply to the board of park commissioners of the city of Minneapolis.

SEC. 4. By amending section eleven (11), chapter five (5), of said charter, so that the same shall read as follows: Section 11. The city comptroller shall, as soon as may be after the first (1st) Monday in January of each year, make report to the city council of the actual expenses of the city for the first quarter of the then current fiscal year, the amount of taxes collected and outstanding, and of the revenues received from other sources, and if, upon the making of such report, it shall appear that the current expenses for such quarter have exceeded the estimates upon which the tax levy therefor was based, or that the revenues of said city are likely to fall short of their estimated amount at the time of making such tax levy, the city council shall forthwith proceed to reduce the current expenses of said city in such manner as may be deemed advisable, and for that purpose may diminish the amount of service for lighting streets, reduce the force or number of men employed in the several departments of the city, except the fire department, but in the discharge of such employes said city council so far as may be, shall provide that such discharge shall be operative only during the summer months of the year.

In all future contracts for lighting streets the right of the city to reduce the amount of the service on account of deficiency of revenue shall be reserved.

SEC. 5. By amending the first (1st) paragraph of section one (1), chapter five (5) of said charter so that the same shall read as follows: The city council shall on or before the first (1st) meeting in April, one thousand eight hundred and eighty-nine (1889), or as soon after said meeting as may be, appoint one (1) assessor, who shall be an officer of said city, styled "city assessor," and who shall keep an office to be provided by said city. The term of office of said city assessor so appointed shall end on the first (1st) Monday in January, one thousand eight hundred and ninety-one (1891), at which time or as soon thereafter as may be, and every two (2) years thereafter, there shall be appointed by the city council a city assessor whose term of office shall be two (2) years, or until his successor is appointed and qualified. Vacancies in said office may be filled as in other cases.

SEC. 6. By amending section two (2), chapter two (2) of said charter by striking out in the second line of the first proviso of said section the words "mayor or."

SEC. 7. By amending section twelve (12), chapter three (3), of said charter, by adding thereto the following:

The city comptroller may, by and with the consent of the city council, appoint an assistant city comptroller, who shall assist him in the duties of his office and act as city comptroller in his absence or in case of his inability to act.

SEC. 8. By amending section sixteen (16), chapter five (5), of said charter so that the proviso, being the last paragraph of said section, shall read as follows:

Provided, that the whole amount of tax levied in any year shall not exceed two and one-half ($2\frac{1}{2}$) mills on a dollar of the assessed valuation of the taxable property of said city.

SEC. 9. By further amending section twenty-nine (29), chapter ten (10) of said charter so that the same shall read as follows:

Section 29. For the purpose of providing sufficient funds in said permanent improvement revolving fund at all times to defray the expenses of improvements provided for in the two (2) sections next preceding, the special assessments for which are to be paid in five (5) equal installments, with interest as therein provided, such special assessments being for sewers, paving and curb and gutter stones only, the city council of the city of Minneapolis is hereby authorized and required in the manner under the restrictions and for the purpose herein designated, to issue from time to time as needed, not to exceed the sum of three hundred and twenty thousand dollars (\$320,000) in any one year, of the bonds of said city in such denominations, at such time of payment, not exceeding thirty (30) years, and such place of payment as may be deemed best by said city council, such bonds to have semi-annual interest coupons at such rate of interest not exceeding four and one-half ($4\frac{1}{2}$) per cent. per annum payable at such place or places as said city council may deem best.

Said city council is further authorized to negotiate and sell such bonds from time to time upon the best terms for said city that may be obtained.

All proceedings as to the issuing of said bonds shall be by resolution of said city council to be approved by the mayor and published as provided by the charter of said city.

~~The proceeds of said bonds shall be paid into the treasury of said city and credited to said permanent improvement revolving fund.~~

Nothing herein contained shall authorize the issue at any time of bonds to such an amount that the whole amount of the principal of all bonds actually issued by said city at the time, together with the proceeds issued, shall exceed five (5) per centum of the aggregate value of the taxable property of said city as assessed and determined for the purposes of taxation; *provided*, that in estimating the whole amount of the principal of all bonds actually issued by said city at the time, together with the proposed issue, there shall be deducted the total amount of fund and securities in the sinking fund provided by this charter for the payment of the bonds in said city, and the bonds issued and proposed to be issued less the amount of such sink-

ing fund shall not exceed five (5) per centum of the aggregate value of the taxable property of said city as aforesaid.

This act shall not be considered as in any manner prohibiting or interfering with the issue of any and all bonds, the issue of which has been heretofore authorized.

The signing or countersigning of any bonds, purporting to be issued under the authority of this act by the city comptroller of said city, in respect to all such bonds held by bona fide owners, shall be deemed conclusive evidence that the limitations of this section have been observed and complied with.

The proceeds of said bonds shall never be used for any other purpose than for the purpose of advancing the money to pay for sewers, pavements, (not including sidewalks proper), and curb and gutter stones, the special assessments for which have been made and the same are to be paid on yearly installments as named in the two (2) next preceding sections of this chapter.

Not to exceed one million dollars (\$1,000,000) shall be issued under this act.

SEC. 10. By amending section three (3), of chapter three (3), of said charter so that the same shall read as follows:

Section 3. There shall be a clerk of said city, styled the "city clerk," who shall be elected by the city council. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the city council, at whose meetings it shall be his duty to attend.

Copies of all papers filed in his office and transcripts from the records of the city council certified by him under the corporate seal, shall be evidence in all courts the same as if the originals were produced.

He shall draw and sign all orders on the treasurer in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose.

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

He shall receive a salary of three thousand one hundred (\$3,100) dollars per annum, and all clerk hire shall be paid by the city. He shall pay into the city treasury upon the last day of each month, all fees and moneys, allowed by public law and collected by him during that month, and shall hold his office for the term of two (2) years, beginning with the day of his qualification as clerk.

Provided, That the provisions of this section shall not apply to the sealer of weights and measures.

SEC. 11. That section twenty-nine (29), chapter three (3), of said charter be and hereby is amended so as to read as follows:

Section 29. The city council shall have power, where the same is not herein fixed, to fix the compensation of all officers elected or appointed under this act. Such compensation shall be fixed by resolution at the time the office is created, and at the commencement of any year, as soon after election as practicable, and when so fixed shall not be increased or diminished during the term for which such officer shall have been elected or appointed. All fees and emoluments of

whatever character, accruing to any city officer as such officer, shall be reported to the city council monthly, and paid monthly into the city treasury.

SEC. 12. By amending section fifteen (15) of chapter five (5) of said charter, so that the same shall read as follows:

Section 15. Whenever the sinking fund, provided for in section fourteen (14) *hereof*, shall be insufficient to pay all the bonds of the city that may at any time become due, or when it shall by the city council be deemed advisable and for the interests of the city to take up any bonds of the city not due, which may be offered for sale by the holders thereof, the city council may issue the bonds of the city, to run not to exceed thirty years, on such terms as to place of payment and rate of interest as may be deemed advisable, to such an amount as may be necessary to meet such deficiency, or to take up and refund such bonds not due, provided the refunding bonds shall in no case draw a higher rate of interest than the bonds so taken up; but neither said city council, nor any officer nor officers of said city, shall otherwise, without special authority of law, have authority to issue any bonds, or create any debt, or any liabilities against said city, in excess of the amount of revenue actually levied and applicable to the payment of such liabilities.

SEC. 13. To amend section six (6) of chapter three (3), by adding to the end of each section the following; "*Provided*, that the office of health officer of the city of Minneapolis, is hereby declared vacant and the city council of the city of Minneapolis is hereby authorized to elect a health officer for said city at its first regular meeting after the passage of this act or as soon thereafter as practicable, which officer, when elected, shall hold his office until the first (1st) Monday in January, A. D. eighteen hundred and ninety-one (1891); and thereafter a health officer for said city shall be elected for the same term and at the same time as other officers for the city are elected by the city council. Nothing in the general laws of the state of Minnesota relating to the appointment or election of health officers shall be construed as in any way affecting or limiting the provisions of this section."

SEC. 14. To amend section two (2) of chapter three (3), so as to make it read as follows: "Section 2. At the first (1st) meeting of the city council in January of each year after a general state election they shall proceed to elect by ballot from their members a president and vice-president. The president shall preside over the meetings of the city council and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office the said president shall exercise all the power and discharge all the duties of the mayor. In case the president shall be absent from any meeting of the city council, the vice-president shall discharge the duties of such president and act in his place. The president or temporary presiding officer while performing the duties of mayor shall be styled acting mayor, and acts performed by him when acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor.

SEC. 15. That subdivision sixteenth (16th) of section five (5) of chapter four (4) be amended so as to read as follows:

Sixteenth—To prevent open or notorious drunkenness in the streets or public places of said city, and to prevent and restrain obscenity, lewdness or indecency within said city, whether committed in a public or a private place therein, and to provide for the arrest and punishment of all persons who shall be guilty of the same. *Provided*, that no officer shall have the right to break into or enter a private house or office.

SEC. 16. To amend section one (1) of chapter nine (9) so as to read as follows:

Section 1. The city council shall have power to maintain the water works and sewers now established in said city and to enlarge, extend and relay and improve the same; and shall require, before any street is paved, that the gas, water and sewer pipes be laid therein and connection made with the front line of each lot, and in all cases where any mains have been or are hereafter to be laid, whether the street on which the same are laid is to be paved or not, the council shall require connection with such mains to be made to the front line of each lot abutting thereon. In the business portions of the city the word "lot" shall be construed to mean a sub-division of twenty-two (22) feet front.

SEC. 17. By amending chapter six (6) of said charter by adding to the end thereof a new section as follows:

Section 18. The city council of the city of Minneapolis is hereby authorized and empowered to expend for purposes not in this charter otherwise authorized during any fiscal year, moneys out of the general fund of said city not exceeding in the aggregate the sum of ten thousand (10,000) dollars; *provided*, that no part of such sum shall be expended except by a resolution adopted by the affirmative vote of at least three-fourths ($\frac{3}{4}$) of the members of said council.

SEC. 18. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 19. This act shall take effect and be in force from and after its passage.

Approved April 15, 1889.

CHAPTER 34.

[H. F. No. 8.]

AN ACT TO CONSOLIDATE AND AMEND THE SEVERAL ACTS RELATING TO THE MUNICIPAL COURT OF THE CITY OF MINNEAPOLIS.

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

SECTION 1. The act entitled "an act to establish a municipal court in the city of Minneapolis," approved February thirteenth (13th,) A. D., eighteen hundred and seventy-four (1874), and the subsequent