

**ORDINANCE #00-12**

**CITY OF RAMSEY  
ANOKA COUNTY  
STATE OF MINNESOTA**

**AMENDMENTS TO VARIOUS CHAPTERS AND SECTIONS OF THE HOME RULE CHARTER OF THE CITY OF RAMSEY. SAID AMENDMENTS RELATE GENERALLY TO THE CREATION OF A CITY CLERK POSITION IN THE ADMINISTRATION OF CITY AFFAIRS AND CLARIFICATION OF DUTIES BETWEEN THE CITY ADMINISTRATOR AND THE CITY CLERK.**

**THE CITY OF RAMSEY ORDAINS.**

**SECTION 1. AUTHORITY:**

This Ordinance is enacted pursuant to Minnesota Statutes §410.12, Subd. 7.

**SECTION 2. REPEAL AND AMENDMENT.**

Sections 1.1., 2.5., 3.6., 3.7, 3.8., 3.11., 4.1., 4.2., 4.4., Subsection 4.5.2., Sections 5.2., 5.3., 5.4, 5.5., 5.8., 6.1., 6.3., 6.4, 6.5., Subsections 7.4.1. and 7.6.1., Section 10.1., Sections 12.2., and 12.4. of the Home Rule Charter of the City of Ramsey are hereby amended by the provisions written below:

a.) **CHAPTER 1  
NAME, BOUNDARIES, POWERS  
AND GENERAL PROVISIONS**

**Section 1.1. Name and Boundaries.**

The City of Ramsey, 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. The city clerk shall keep in his/her office at least two copies of this charter with amendments, and shall maintain in each copy an accurate and up-to-date description of the boundaries. The copies of the charter, amendments and boundary descriptions shall be available for public inspection anytime during regular office hours.

b.) **CHAPTER 2  
FORM OF GOVERNMENT**

**Section 2.5. Vacancies.**

A vacancy in the council, whether it be in the office of mayor or councilmember, shall be deemed to exist in the case of the failure of any person elected thereto to qualify, or by reason of the death, resignation in writing filed with the city clerk, removal from office, non-residence in the city, conviction of a felony of any such person after his/her election, or by reason of the failure of any councilmember without good cause to attend council meetings for a period of three consecutive months. In each such case, the council shall, by resolution, declare the vacancy to exist and such vacancy shall be filled according to the provisions of section 4.5.

c)

## **CHAPTER 3 COUNCIL PROCEDURES**

### **Section 3.6. Emergency Ordinances.**

An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety or welfare, and in such ordinance the emergency is defined and declared in a preamble thereto. An emergency ordinance must be approved by a majority of available members of the city council. An emergency ordinance must be in writing but may be enacted without previous filing or voting, and may be adopted finally at the meeting at which it is first introduced and voted upon by the council. An emergency ordinance shall remain in effect for the duration of the emergency. No prosecution shall be based upon the provisions of an emergency ordinance until twenty-four hours after the ordinance has been adopted, filed with the city clerk, and either has been posted in three conspicuous places in the city or published as provided for in this charter, or the person charged with violation thereof had actual notice of the ordinance prior to the act or omission resulting in the prosecution.

### **Section 3.7. Signing and Publication of Ordinances.**

The final version of every ordinance shall be read in full prior to passage by council unless such reading is waived by a majority vote of the council, provided that a copy of the ordinance is posted or otherwise made available to the public at least three working days prior to the meeting at which it is to be adopted. The ordinance shall then be signed by the mayor, attested to by the city clerk, and filed and preserved by the city clerk. Each ordinance, or summary of such ordinance, shall be published at least once in the official newspaper. This summary of each ordinance shall include, in layman's terms, the intent of the ordinance. To the extent and in the manner provided by state statutes, an ordinance may incorporate by reference, a state statute, a state administrative rule or a state regulation, a code, or an ordinance or part thereof, without publishing the material referred to in full.

### **Section 3.8. Procedure on Resolutions.**

Every resolution shall be presented in writing and shall be filed and preserved by the city clerk.

### **Section 3.11. Review and Revision of Ordinances and Indexing of Resolutions.**

The city shall review, revise and rearrange its ordinance code and its resolution index with such additions and deletions as may be deemed necessary by the council at least once every two years. The ordinance code and the resolution index may be published in a book, pamphlet or loose-leaf form and copies shall be made available by the council at the office of the city clerk for general distribution to the public for a reasonable charge. Incorporation in such a code shall be a sufficient publication of any ordinance provision not previously published, if a notice is placed in the official newspaper for at least two successive weeks that copies of the codification are available at the office of the city clerk.

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**CHAPTER 4  
NOMINATIONS AND ELECTIONS**

**Section 4.1. 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 1984, at such places as the city council shall designate. At least fifteen days prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this charter shall assume the duties of office to which they were elected on the first business day in January following such election.

**Section 4.2. Filing for Office.**

No earlier than seventy days nor later than fifty-six days before any municipal election, any resident and registered voter of the city qualified under state statutes for elective office may, by filing an affidavit and by paying a filing fee to the city clerk in an amount as set by ordinance, have his/her name placed on the municipal election ballot.

**Section 4.4. Special and Advisory Elections Except for Elected Office.**

The council may by resolution order any special or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it. At least fifteen days prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election.

**Section 4.5. Vacancy of Municipal Elected Office.**

4.5.2. The city clerk shall give at least sixty days published prior notice of such special election, except as set forth under 4.5.5. of this section.

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**CHAPTER 5  
INITIATIVE, REFERENDUM AND RECALL**

**Section 5.2. General Provisions for Petitions.**

A petition provided for under this chapter shall be sponsored by a committee of five registered voters of the city whose names and addresses shall appear on the petition. A petition may consist of one or more papers, but each separately circulated paper shall contain at its head, or attached thereto, the information specified in sections 5.5., 5.7. or 5.8. which apply, respectively, to initiative, referendum and recall. Each signer shall be a registered voter of the city and shall sign his/her name and give his/her street address. Each separate page of the petition shall have appended to it a certificate by the circulator, verified by oath, that each signature appended thereto was made in his/her presence and that the circulator believes them to be the genuine signature of the person whose name it purports to be. The person making the certificate shall be a resident of the city and registered to vote. Any person whose name appears on a petition may withdraw his/her name by a statement in writing filed with the city clerk before said city clerk advises the council of the sufficiency of the petition.

### **Section 5.3. Determination of Sufficiency.**

The committee shall file the completed petition in the office of the city clerk. The required number of signatures for initiative and referendum shall be at least ten percent of the total number of registered voters at the time of the last citywide election. The required number of signatures for recall shall be at least twenty percent of the total number of registered voters at the time of the last citywide election. Immediately upon receipt of the petition, the city clerk shall examine the petition as to its sufficiency and report to the council within ten days. Upon receiving the report, the council shall determine by resolution the sufficiency of the petition.

### **Section 5.4. Disposition of Insufficient or Irregular Petition.**

If the council determines that the petition is insufficient or irregular, as defined in sections 5.3. and 5.2. respectively, 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 thirty days in which to file additional signature papers and/or to correct the petition in all other particulars, except that, in the case of a petition for recall, the committee may not change the statement of the grounds on which the recall is sought. Within five days of receipt of the corrected petition, the city clerk shall again report to the council. If 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 subject matter of the petition to the voters at the next regular or special election.

### **Section 5.5. Initiative.**

Any ordinance 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 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 a form acceptable to the majority of the sponsoring committee within sixty days after the final determination of sufficiency of the petition, the ordinance as originally proposed shall be placed on the ballot at the next election occurring in the city. If no election is to occur within 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 immediately after adoption unless the ordinance specifies a later effective date.

### **Section 5.8. Recall.**

Consideration by the electorate of the recall of any elected officer of the city may be initiated by petition. The petition shall state at the head of each page, or attached thereto, a certificate stating the name of the officer whose removal is sought, the grounds for recall, which shall be malfeasance, misfeasance, or nonfeasance in office, in not more than 250 words, and the intention of the sponsoring committee to bring about the officer's recall. Such petition shall be filed in the city clerk's office prior to circulation. If the petition or amended petition is found sufficient under the provisions of section 5.3. of this chapter, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall, at its next meeting, by resolution, provide for the

holding of a special recall election within ninety days after such meeting, except if any other election is to occur within such ninety day period after such meeting, the council may, in its discretion, provide for the holding of the recall vote at that time. The city clerk shall include with the published notice of the election the statement of the grounds for the recall and, also, in not more than 500 words, the answer of the officer concerned in justification of his/her course of office. If a vacancy occurs due to recall election, section 4.5. herein shall apply to fill such vacancy.

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**CHAPTER 6  
ADMINISTRATION OF CITY AFFAIRS**

**Section 6.1. Administrative Responsibility.**

The council, as a body, shall be responsible for the administration of the city. The council shall appoint an administrative officer to assist in the administration of city affairs. For purposes of reference in this charter, this administrative officer shall be referred to as the city administrator.

**Section 6.3. Duties of the City Administrator.**

The city administrator shall be the chief administrative officer for the council. The council shall establish by resolution, the powers, duties and reporting requirements of the city administrator.

**Section 6.4. 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 administrator 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 the letting of contracts.

**Section 6.5. Subordinate Officers.**

There shall be a city clerk and such other officers subordinate to the city administrator as the city council may create by ordinance. The city clerk, subject to the direction of the city administrator, shall keep the public records, and shall have other duties as the city administrator shall prescribe. In addition, the city clerk shall have other powers and duties imposed by state law, this charter, city ordinance and city resolution. The Council may by ordinance abolish offices which have been created by ordinance, and may by resolution, abolish offices which have been created by resolution. It may combine the duties of various offices as it may see fit.

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**CHAPTER 7  
TAXATION AND FINANCES**

**Section 7.4. Submission of Budget.**

7.4.1. Annually, the city administrator shall submit to the council the budget recommendations in accordance with a budget calendar to be established by resolution. The budget shall provide a complete financial plan for all city funds and activities for the ensuing fiscal year and, except as required by state statutes or this charter, shall be in such form as 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 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. The total proposed operating budget to be provided from the property tax shall not exceed the amounts authorized by state statutes and this charter. Consistent with these provisions, the budget shall contain such information and be in the form prescribed by ordinance and by state statutes. The Annual Financial Statement shall be in such form as state statutes, this charter or the council may prescribe.

7.6.1. The budget public hearing dates, procedures to be followed during the hearings, and publications are established by state statute. However, the actual adoption of the proposed annual budget and the municipal levy shall take place at the next regularly scheduled council meeting following the mandated public hearing(s) to ensure that comments received during the public hearing(s) are given due consideration before the final budget and municipal tax levy are adopted. 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 funds available. The council shall adopt the budget by a resolution that shall set forth the total for each budgeted fund and each department, function or program, with such segregation as to objects and purpose of expenditures as the council deems necessary for purposes of budget control. The council shall also adopt a resolution levying the amount of taxes provided in the budget, and the city administrator shall certify the tax resolution to the county auditor in accordance with state law. Adoption of the budget resolution shall constitute appropriations at the beginning of the fiscal year of the sums fixed in the resolution of the several purposes named.

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**CHAPTER 10  
MISCELLANEOUS AND TRANSITORY PROVISIONS**

**Section 10.1.** Except as otherwise provided by state statutes, 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 purpose, without a franchise therefore from the city. A franchise shall be granted only by ordinance, which shall not be an emergency ordinance. No exclusive franchise shall be granted unless the proposed ordinance is submitted to the voters of the city following a public hearing and approved by at least a majority of those voting thereon. 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.

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**CHAPTER 12  
MISCELLANEOUS AND TRANSITORY PROVISIONS**

**Section 12.2. Oath of Office.**

Every officer of the city 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 affix:) to support the constitution of the United States and of this state and to discharge faithfully the duties devolving upon me as (mayor, councilmember, city administrator, etc.) of the City of Ramsey to the best of my judgment and ability".

**Section 12.4. Official Bonds.**

The city administrator and other such officers or employees of the city as may be provided for by ordinance shall each, before entering upon the duties of his/her respective office or employment, give a corporate surety bond to the city in such form and such amount as may be fixed by the council as security for the faithful performance of his/her official duties. This corporate surety bond may be in the form of either individual or blanket bonds at the discretion of the council. They shall be approved by the council, and approved as to form by the city attorney, and filed with the city administrator. The premiums on the bonds shall be paid by the city.


**SECTION 3. EFFECT DATE.**

This Ordinance shall become effective 90 days after its passage and publication subject to the provisions of Minnesota Statutes §410.12, Subd. 7.

**PASSED** by the City Council of the City of Ramsey, Minnesota, the 24th day of October 2000.

  
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Mayor

ATTEST:

  
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City Administrator

Date recommend by Charter Commission: August 22, 2000

Council Introduction date: September 26, 2000

Posting dates: September 26 – October 24, 2000

Adoption date: October 24, 2000

Publication date: October 26, 2000

Effective date: January 24, 2001