CITY OF HASTINGS HOME RULE CHARTER

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HOME RULE CHARTER

CITY OF HASTINGS, MINNESOTA

CHAPTER I NAME, BOUNDARIES, POWERS AND GENERAL PROVISIONS

<u>SECTION 1.01.</u> NAME AND BOUNDARIES. The City of Hastings, in the counties of Dakota and Washington, State of Minnesota, is and shall continue to be a City by the name of Hastings; is and shall be a municipal corporation and shall have the same boundaries as they now are or as they hereafter may be established.

SECTION 1.02. POWERS OF THE CITY. The City of Hastings shall have all powers which it may now or hereafter be possible for a municipal corporation in the State of Minnesota to exercise in harmony with the United States Constitution and the Constitution of the State of Minnesota. It is the intention of this Charter that every power which the people of the City of Hastings might lawfully confer upon themselves, as a municipal corporation, by specific enumerations in this Charter shall be deemed to have been so conferred by the provisions of this Section. This Charter shall be construed liberally in favor of the City and the specific mention of particular powers in this Charter shall not be construed as limiting in any way the generality of the power herein sought to be conferred.

<u>SECTION 1.03. WARD BOUNDARIES</u>. The City is, and shall be divided into four (4) wards. The boundaries of said wards shall be as follows, until changed pursuant to this charter, or by operation of law.

Ward 1

<u>Ward 1</u> shall consist of the area within the city limits lying east of a line beginning at the intersection of the north boundary of the city in Denmark Township, Washington County, and the Washington - Dakota County line on the Mississippi River, proceeding downstream to Trunk Highway 61; then proceeding south on Vermillion Street/Trunk Highway 61 to its intersection with Highway 316/Red Wing Boulevard; proceed south along Highway 316/Red Wing Boulevard; proceed West on Tiffany Drive to Cari Park Lane and south on the east portion of Tiffany Drive to 36th Street East; proceeding west to Vermillion Street/Trunk Highway 61; proceeding south on Vermillion Street/Trunk Highway 61; as bounded on the west side of Ward 4; encompassing all within the city limits.

That the boundaries of **Ward 1, Precinct 1** shall consist of the area within the city limits lying east and north of a line beginning at the intersection of the north boundary of the city in Denmark Township, Washington County, and the Washington - Dakota County line on the Mississippi River, then proceeding downstream on the Washington - Dakota County line on the Mississippi River to the intersection with Trunk Highway 61 and then continuing east downstream on the Washington - Dakota County line on the Mississippi River and terminating at the east boundary of the city limits.

That the boundaries of **Ward 1**, **Precinct 2** shall consist of the area within the city limits bounded on the north by a line beginning at the intersection of the Washington - Dakota County line on the Mississippi River and Trunk Highway 61, and extending east along the Washington - Dakota County

line on the Mississippi River and terminating at the east boundary of the city limits; bounded on the west and south by a line beginning at the intersection of the Washington-Dakota County line on the Mississippi River and Trunk Highway 61, then proceeding south on Vermillion Street/Trunk Highway 61 to its intersection with Highway 316/Red Wing Boulevard, proceeding south along Highway 316/Red Wing Boulevard to its intersection with Spiral Boulevard, then proceeding east on Spiral Boulevard and terminating at the east boundary of the city limits; and bounded on the east by the east boundary of the city limits.

That the boundaries of **Ward 1, Precinct 3** shall consist of the area within the city limits bounded on the north by the south boundary of Ward 1, Precinct 2 described above; bounded on the west by a line beginning at the intersection of Highway 316/Red Wing Boulevard and Spiral Boulevard, proceeding south on Highway 316/Red Wing Boulevard to the intersection with Tiffany Drive, proceeding west and south on Tiffany Drive to the intersection with Cari Park Lane, proceeding west along Cari Park Lane to the intersection with Tiffany Drive, proceeding south on Tiffany Drive to the intersection with 36th Street East, proceeding west along 36th Street East to the intersection with Highway 61/Vermillion Street, and then proceeding south along Highway 61/Vermillion Street and terminating at the south boundary of the city limits; bounded on the south by the south boundary of the city limits; and bounded on the east by the east boundary of the city limits.

Ward 2

<u>Ward 2</u> shall consist of the area within the city limits lying west of the Washington - Dakota County boundary on the Mississippi River, proceeding downstream to Trunk Highway 61, and lying west of Trunk Highway 61 from the County boundary to 14th Street West; and lying north of a line along 14th Street West from Vermillion Street/Trunk Highway 61 to Lyn Way; then proceeding north on Lyn Way to South Frontage Road; then proceeding east on South Frontage Road to Trunk Highway 55; then proceeding west on Trunk Highway 55 to the west boundary of the city limits.

That the boundaries of **Ward 2, Precinct 1** shall consist of the area within the city limits bounded on the west by the west boundary of the city limits; bounded on the south by Trunk Highway 55 beginning at its intersection with the west boundary of the city limits and continuing east along Trunk Highway 55 and terminating at the intersection with Prairie Street; bounded on the east by a line beginning at the intersection of Trunk Highway 55 and Prairie Street, then proceeding north on Prairie Street, then west on 7th Street West, then north on State Street and terminating at the intersection of State Street and Nininger Road; and bounded on the north by a line beginning at the intersection of State Street and Nininger Road, continuing northwest along Nininger Road and terminating at the west boundary of the city limits.

That the boundaries of **Ward 2, Precinct 2** shall consist of the area within the city limits bounded on the north and east by a line beginning at the intersection of the north boundary of the city in Denmark Township, Washington County, and the Washington - Dakota County line on the Mississippi River, then proceeding downstream on the Washington - Dakota County line on the Mississippi River to the intersection with Trunk Highway 61, then continuing south on Vermillion Street/Trunk Highway 61 from the County boundary to 14th Street West and there terminating; bounded on the south by 14th Street West from Vermillion Street/Trunk Highway 61 west to Lyn Way; bounded on the west by a line beginning at the intersection with 14th Street West and Lyn Way, continuing north on Lyn Way to South Frontage Road, then proceeding east on South Frontage Road to Trunk Highway 55, then continuing north and west along the east boundary of Ward 2, Precinct 1, described above, to the west boundary of the city limits, and continuing north along the west boundary of the city limits to the northernmost point of the city limits and there terminating.

Ward 3

<u>Ward 3</u> shall be bounded on the north by the south boundary line of Ward 2 described above; on the west by the west boundary of the city limits; on the south by a line along 15th Street West from the west city limits east to Westview Drive; then proceeding south on Westview Drive to Southview Drive; then proceeding west on Southview Drive to Pleasant Drive; then proceeding east along the Vermillion River to County Road 47/Vermillion Road; then proceeding east on County Road 47/Vermillion Road to Trunk Highway 61/Vermillion Street; then proceeding north on Trunk Highway 61/Vermillion Street to the south boundary of Ward 2 as described above.

That the boundaries of **Ward 3, Precinct 1** shall consist of the area within the city limits bounded on the north by the south boundary of Ward 2, Precinct 1, described above; bounded on the east by a line beginning at the intersection of 15th Street West and Lyn Way, continuing north on Lyn Way to South Frontage Road, then proceeding east on South Frontage Road to Trunk Highway 55 and there terminating; bounded on the south by 15th Street West from Lyn Way west to the west boundary of the city limits; and bounded on the west by the west boundary of the city limits.

That the boundaries of **Ward 3, Precinct 2** shall consist of the area within the city limits bounded on the north by a line beginning at the intersection of Westview Drive and 15th Street West, continuing east on 15th Street West to the intersection with Lyn Way, continuing north on Lyn Way to the intersection with 14th Street West, continuing east on 14th Street West to Vermillion Street/Trunk Highway 61 and there terminating; bounded on the east by Vermillion Street/Trunk Highway 61 from 14th Street West south to County Highway 47/Vermillion Road; and bounded on the west and the south by a line beginning at the intersection of 15th Street West and Westview Drive, proceeding south on Westview Drive to the intersection with Southview Drive, then proceeding west on Southview Drive to Pleasant Drive; then proceeding south on Pleasant Drive to the Vermillion River and continuing east along the Vermillion River to County Highway 47/Vermillion Road; then proceeding east on County Highway 47/Vermillion Road to Trunk Highway 61/Vermillion Street and there terminating.

Ward 4

<u>Ward 4</u> shall be bounded on the north by the south boundary of Ward 3 as described above; on the west by the west boundary of the city limits; to the south by the south boundary of the city limits, encompassing the area lying within the city limits lying south of County Highway 47, proceeding to the east along the south boundary of the city limits to Highway 61/Vermillion Street; and on the east by a line beginning at the intersection of the south boundary of the city limits and Highway 61/Vermillion Street, then proceeding north on Highway 61/Vermillion Street to 36th Street East; proceeding east along 36th Street East to the east intersection with Tiffany Drive and then proceeding north along Tiffany Drive to Cari Park Lane; then proceeding east along Cari Park Lane to Tiffany Drive; then proceeding east along Tiffany Drive to Highway 316/Red Wing Boulevard, and then proceeding north and west along Highway 316/Red Wing Boulevard, being the west boundary of Ward 1 as described above, and terminating at the southeast boundary of Ward 3.

That the boundaries of **Ward 4, Precinct 1** shall consist of the area within the city limits lying within the following described boundary: beginning at the intersection of 15th Street West and the west boundary of the city limits, the point of beginning, then proceeding east on 15th Street West to Westview Drive, then proceeding south on Westview Drive to the intersection with Southview Drive, then proceeding west on Southview Drive to Pleasant Drive; then proceeding south on Pleasant Drive to the Vermillion River and continuing east along the Vermillion River to County

Highway 47/Vermillion Road; then proceeding west on County Highway 47/Vermillion Road to the intersection with Riverwood Drive, then proceeding south on Riverwood Drive to Woodland Drive, then east on Woodland Drive to South Pointe Drive, then south on South Pointe Drive to 36th Street West, then west on 36th Street West to Village Way, then north and then east on Village Way to Village Trail, then north on Village Trail to Vista Drive, then west on Vista Drive to the west boundary of the city limits, then north and west along the boundary of the city limits to the point of beginning.

That the boundaries of Ward 4, Precinct 2 shall consist of the area within the city limits lying within the following described boundary: beginning at the intersection of Highway 61/Vermillion Street and County Highway 47/Vermillion Road, the point of beginning, then proceeding west on County Highway 47/Vermillion Road to the intersection with Riverwood Drive, then proceeding south on Riverwood Drive to Woodland Drive, then east on Woodland Drive to South Pointe Drive, then south on South Pointe Drive to 36th Street West, then west on 36th Street West to Village Way, then north and then east on Village Way to Village Trail, then north on Village Trail to Vista Drive, then west on Vista Drive to the west boundary of the city limits, then south on the west boundary of the city limits to the south boundary of the city limits, then proceeding east along the south boundary of the city limits to the intersection with Highway 61/Vermillion Street, then north on Highway 61/Vermillion Street to 36th Street East; proceeding east along 36th Street East to the east intersection with Tiffany Drive and then proceeding north along Tiffany Drive to Cari Park Lane; then proceeding east along Cari Park Lane to Tiffany Drive; then proceeding east along Tiffany Drive to Highway 316/Red Wing Boulevard, and then proceeding north and west along Highway 316/Red Wing Boulevard, being the west boundary of Ward 1, to the point of beginning.

The above is approved as required by Minnesota Statutes 204B.14, subdivision 3(c). *Ord.* 2012-03, *Third Edition, Approved on 3-19-12*

In the event any territory shall be annexed to the City, it shall become part of the adjoining ward.

The Charter Commission of the City of Hastings shall be responsible for adjusting ward boundaries when necessary to provide equal representation as required by the Federal and Minnesota constitutions, within three months after official announcement of the results of a decennial census, and at such other times as the commission shall determine whether existing ward boundaries provide equal representation. If not, the commission shall adjust ward boundaries so that each ward contains, as nearly as possible, an equal number of qualified residents. The commission shall file with the City Council a report designating the new ward boundaries, which report designating boundaries shall be read at the next regular council meeting and recorded in the minutes of the council. The ward boundary change shall be effective thirty days after said reading, except that no adjustment shall apply to any city election if adopted after the first date for filing for such election. If adopted after the first date of filing for an election, then the ward boundary change shall become effective on the 1st day of the first month after the month in which the general of special election is held. All Councilpersons may serve out the terms for which they were elected, notwithstanding changes in ward boundaries.

Where streets form the boundary lines of wards, the boundary shall be the center of said streets. Renaming of streets shall not affect boundary lines, as it is the intent of this charter that the boundary lines are the center of the street as now located, and said boundary lines shall not be affected by renaming or relocating of said street.

<u>SECTION 1.04. CHARTER A PUBLIC ACT</u>. This Charter is and shall be a public act and need not be pleaded or proved in any judicial, legislative, executive, or administrative proceeding. This Charter shall take effect after adoption as provided by Minnesota State Law.

CHAPTER II

NOMINATIONS AND ELECTIONS

SECTION 2.01. PROCEDURE AT ELECTIONS. Except as otherwise provided in this Charter or an ordinance adopted pursuant hereto, the general laws of the State of Minnesota pertaining to elections shall apply to Municipal elections. Subject to the provisions of this charter and applicable State laws, the Council may by ordinance and resolution further regulate the conduct of municipal elections.

<u>SECTION 2.02. REGULAR MUNICIPAL ELECTIONS</u>. A regular municipal election will be held on the first Tuesday after the first Monday in November of each even numbered year. The City Clerk shall give at least two weeks notice of the time and place of holding said election and of the officers to be elected at said election by publishing said notice at least once in the newspaper of general circulation in the City. However, failure to give such notice shall not invalidate said election.

SECTION 2.03. 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 notice of the time and place of holding said election and of the officers to be elected at said election by publishing said notice at least once in a newspaper of general circulation in the City. However, failure to give such notice shall not invalidate said election. The procedure at such special election shall conform as nearly as possible to that prescribed for regular municipal elections.

SECTION 2.04. PRIMARY ELECTIONS. On the date indicated by State Law preceding any general City election or on the third Tuesday preceding any special election held for the purpose of election of City officials, an election of nominees hereinafter designated as the "primary election" shall be held in each voting precinct for the selection of candidates for all elective offices within the City of Hastings to be filled at such ensuing election. A primary election shall only be called in the event that three (3) or more qualified persons have filed for the same ward council seat or the Mayor's position. When both at-large council seats are to be filled, a primary election shall be called only in the event five or more qualified persons have filed for the at-large council seats. In the event only one at-large council seat is to be filled, a primary shall be called only in the event three or more qualified persons have filed for the at-large council seat. The City Clerk shall cause to be published in a newspaper of general circulation, at least once, a notice of the primary election which shall state the time and place of holding such election and of the officers to be elected at said election. At said primary election there shall be nominated by the qualified electors of the City, two candidates for each office to be filled within the City at the next ensuing general or special election. Ord. 2010-10, 3rd Series Passed 5-17-10

<u>SECTION 2.05.</u> <u>PETITIONS FOR ELECTION.</u> An individual who is eligible and desires to become a candidate for an office to be voted for at the election, shall file an Affidavit of Candidacy with the City Clerk with the City of Hastings in compliance with statutory filing requirements for municipal elections in which a primary is possible. Ord. 2010-10, 3rd Series Passed 5-17-10

It shall be the duty of the City Clerk thereafter to provide a sufficient number of primary ballots for each voting precinct, such ballots to have printed thereon the names of all persons by or on behalf of whom petitions have been filed as hereinabove provided, together with the designation of the office for which the nomination is sought. When more than two names are presented for nomination for the said office, such names shall be placed on the primary ballot according to state

law. During the week preceding such primary election the Clerk shall cause a sample ballot to be published in all newspapers of general circulation in the City, provided, however, failure to publish said sample ballot shall not invalidate the election.

The two persons having the highest number of votes for any elective office shall be notified of the fact by the Clerk and shall be the candidates for such office at the ensuing general election unless within two days after notification they, either or any of them, file with the Clerk a refusal to be a candidate in which event the person or persons having the next highest vote shall be notified by the Clerk and this process shall be continued until two candidates are secured or the list of all those voted for in the primary election shall be exhausted, and the person or persons so finally determined by this process to be the candidates shall be entitled to have their names placed upon official ballot used in the ensuing election. In case of a tie vote, the nomination shall be determined by the casting of lots in the presence of the Clerk at such time and place and in such manner as the Clerk may direct.

<u>SECTION 2.06. CANVASS OF ELECTIONS</u>. The Council shall meet and canvass the election returns of any primary, special, or general election within two days after the holding thereof and shall make full declaration of the results as soon as possible and file a statement thereof with the City Clerk. This statement shall include:

- A. A total number of good ballots cast for each candidate with an indication of those who were either nominated or elected, as the case may be;
- B. A true copy of the ballots used in the election;
- C. The names of the judges and clerks of said election;
- D. Such other information as may be pertinent.

The City Clerk shall forthwith inform all persons elected of their election.

SECTION 2.07. PRESENT ELECTIVE OFFICIALS TO CONTINUE TERM. All members of the City Council of the City of Hastings as of the date hereof shall hold their respective offices until their terms of office expire by operation of law. Nothing in this Chapter shall be construed to limit their term of office, except that the terms of office of any elected City official, the number of wards and ward representation may be changed or altered upon the recommendation of a duly appointed Charter Commission and amendment to this Charter as provided by law.

CHAPTER III

FORM OF GOVERNMENT

SECTION 3.01. FORM OF GOVERNMENT. The form of Government established by this charter shall be known as the "Mayor-Council Plan". All legislative powers, all policy making powers, all executive powers and all administrative powers of the City of Hastings shall vest in and be exercised by the City Council; provided, however, the City Council may, by ordinance, delegate to an appointed city employee or employees, all or a portion of the administrative functions and powers. Any city employee to whom administrative powers are delegated shall however be responsible to the City Council in all respects and shall be governed by the terms of this Charter or the ordinance by which administrative powers were delegated to him or her. Further, the City Council may by ordinance create such departments, divisions and bureaus for the administration of the City's affairs as it deems necessary for efficient and responsive government, and from time to time may alter the powers and organization of the same.

BOARDS AND COMMISSIONS. The City Council may establish commissions or boards to advise the Council with respect to any municipal function or activity, or to investigate any subject of interest to the City or to perform quasi-judicial functions. The boards or commissions so created shall be created by the City Council by ordinance, and any board or commission so created may be terminated by the City Council except those boards or commissions that are specifically created by or pursuant to State or Federal Statutes, in which case said board or commission may be terminated in accordance with the applicable State or Federal Statute.

SECTION 3.02. COUNCIL COMPOSITION AND ELECTION. The Council shall be composed of a mayor and six members of the City Council, two of whom shall be elected at large for a term of four (4) years at the 1986 City election. One member of the Council shall be elected from each ward of the City for a term of four (4) years at the 1988 City election. All of said elective officers shall be qualified electors and residents in and of the City of Hastings, and in the case of ward Councilmembers, residents of the ward from which they are elected. Candidates for ward Council seats shall be residents of the ward from which they seek office for at least thirty (30) days prior to the primary election. Candidates for at large Council seats shall be residents of the City for at least thirty (30) days prior to the primary election. Councilmembers shall serve for a term of four (4) years and until their successors are duly elected and qualified. The term of all elected officers shall begin at the first regular meeting in January following a regular Municipal election and after taking the oath of office. The City Council shall be the judge of the election of the Mayor and the Councilmembers.

SECTION 3.025. THE MAYOR. Notwithstanding any provisions of this Charter to the contrary, beginning at the 1986 general city election, the Mayor shall be elected and serve for a period of four (4) years and until his or her successor is duly elected and qualified. The Mayor shall be a qualified elector and resident in and of the City of Hastings for at least thirty (30) days prior to the primary election. The Mayor shall preside at meetings of the Council and shall have a vote as a member. Likewise, the Mayor may act as a member of the Council, make and second motions while presiding at Council meetings.

SECTION 3.03. VACANCIES IN THE OFFICES OF COUNCILPERSONS OR MAYOR. A vacancy in the office of Councilperson or Mayor shall be deemed to exist when a person elected thereto shall fail qualify on or before the date of the second regular meeting of the council after the beginning of his or her term, or by reason of the death, resignation, removal from office, removal from the City, or in the case of a Councilperson, removal from the ward from which elected, continuous absence from the City for more than three months, or conviction of a felony after his or her qualification, or by reason of failure of any person so elected to perform his or her duties for a period of three months. The Council shall by resolution determine when a vacancy occurs in the office of Mayor or Councilperson. When a vacancy occurs in the City Council, the City Council shall within thirty (30) days appoint an eligible person to fill the same until the next regular municipal election, when the office shall be filled by election for the unexpired term. If the Council is not able to appoint an eligible person within thirty (30) days, the Council shall call a special election for the purpose of filling the vacancy for the balance of the unexpired term.

When a vacancy occurs in the office of Mayor, the Council, by a majority of its complete membership, shall select one of the members of the Council to become Mayor for the balance of the unexpired term. The Councilperson so selected may decline the appointment. Upon the selection of a Councilperson to become Mayor and upon his or her acceptance of the position of Mayor, the Council shall forthwith name the qualified citizen to fill the vacancy in the Council created by the appointment of the Councilperson to the position of Mayor. The new Councilperson shall serve for the balance of the unexpired term of the Councilperson replaced. If the Council is not able to select a Mayor, the Council shall call a special election for the purpose of filling the position of Mayor for the balance of the unexpired term.

SECTION 3.04. ACTING MAYOR. At the first regular Council meeting of the year and at such other times as a majority of the Council deems it appropriate, the Mayor shall nominate a councilperson to serve as acting Mayor. The councilperson nominated shall serve as acting Mayor only if their nomination is approved by a majority vote of the entire Council including the councilperson nominated. If the councilperson nominated by the Mayor does not obtain the majority vote as required, then the at-large councilperson who has been in the at-large office the longest time shall become the acting Mayor without further vote of the Council. If both at-large councilpersons have the same tenure in that office, the acting Mayor shall be determined by lot from among the atlarge councilpersons.

The acting Mayor shall serve as Mayor in case of the Mayor's disability or absence from the City.

SECTION 3.05. DUTIES OF THE MAYOR IN GENERAL. The Mayor shall be the presiding officer of the City Council, provided that at the first regular Council meeting of the year following the general municipal election, the Council shall choose from its members an acting mayor as provided in section 3.04. The Mayor shall exercise all powers and performs all duties conferred and imposed upon the Mayor by this Charter, by City Ordinances, and by laws of the State of Minnesota, and the United States of America. The Mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for the purpose of martial law. In time of declared public emergency, the Mayor may, with the consent of the Council, take command of the police, maintain order and enforce the law.

The Mayor shall have a vote as a member of the Council. The Mayor shall sign all warrants and orders drawn upon the City Treasurer as well as all bonds, obligations and contracts on behalf of the City, unless otherwise provided for in this Charter. Provided, however, that the City may make

disbursements of funds by an electronic funds transfer when authorized by the Mayor, or in the Mayor's absence the acting Mayor, and the City Administrator or City Clerk duly authorized by the Council.

<u>SECTION 3.06. MAYOR-LAW ENFORCEMENT</u> – Deleted Ord. 2010-09, 3rd Series Passed 4-19-10

SECTION 3.07. MAYOR AND COUNCIL COMPENSATION-MAYOR CONTINGENCY EXPENSE FUND. The Mayor and Councilmembers shall receive such compensation as established in accordance with the Minnesota Statutes. In addition, the Mayor shall also have placed at his or her disposal, a contingency expense fund in an amount to be established by the City as a part of the annual budget adoption process. The Council may increase the Mayor's or Councilmembers' compensation but any increase so determined shall not be effective until after the next succeeding General Municipal election. Any increase shall be accomplished by ordinance.

SECTION 3.08. INTERIM INVESTIGATION, STUDY AND POLICY COMMITTEES. The Council by a majority vote, or the Mayor, shall have the power to make investigations into all City affairs, to subpoena witnesses, to administer oaths, to compel the production of books and papers, and to demand reports from department heads on their respective departments' operations. The Council shall provide for an annual audit of all funds, books and accounts of the City to be conducted by the Auditor of the State of Minnesota or by a reliable Certified Public Accountant. In addition, the Council may at any time provide for an examination or audit of the accounts of any officer or department of the City Government.

The Mayor may appoint Council and/or citizen committees to study specific issues.

<u>SECTION 3.09. COUNCIL COMMITTEES</u>. The Council may by ordinance, establish committees of the Council and shall set forth the duties of the committees. Said ordinance shall establish a procedure for appointment of council members to serve on the respective committees, which ordinance shall provide for appointment to the committees by the Mayor, subject to council approval. The size of each committee shall be established by ordinance, but to no event, shall the size of each committee constitute a majority of the City Council.

SECTION 3.10. THE CITY ADMINISTRATOR. The City Administrator shall be the chief administrative officer of the City. The City Administrator shall be chosen by the council solely on the basis of their training, experience, executive and administrative qualifications. The City Administrator shall be appointed for an indefinite term and may be removed at any time by an affirmative vote of a majority of the entire council. But after the City Administrator has served as Administrator for one year, the City Administrator may demand written charges and a public hearing on the charges before the council prior to the date when the City Administrator's final removal takes effect. After the hearing, if one is demanded, the council shall have unlimited discretion either to reinstate the Administrator or make the City Administrator's removal final. Pending the hearing and removal, the council may suspend the Administrator from office. A majority of the entire council may designate some properly qualified person to perform the duties of the Administrator during the City Administrator's absence, or disability or while the office is vacant.

SECTION 3.11. POWERS AND DUTIES OF THE CITY ADMINISTRATOR.

Subdivision 1. The City Administrator shall be responsible to the council for the administration of the City's affairs and shall have the powers and duties set forth in the following subdivisions:

Subdivision 2. The City Administrator shall see that this charter and the laws, ordinances and resolutions of the City are enforced.

Subdivision 3. The City Administrator shall appoint and remove upon the basis of merit and/or fitness alone, all employees of the City, except that the City Administrator shall receive council approval to either appoint or remove department heads and division heads established by either resolution or ordinance.

Subdivision 4. The City Administrator shall exercise control over all departments and divisions of the City Administration created by this charter or by the council. Except for the purpose of inquiry the Council and its members shall deal with and control the administrative services solely through the City Administrator, and neither the Council nor any member thereof shall give orders to any subordinates of the City Administrator either publicly or privately.

Subdivision 5. The City Administrator shall attend all meetings of the council and may take part in discussion but not vote.

Subdivision 6. The City Administrator shall recommend to the council for adoption such measures as he or she deems necessary for the welfare of the people and the efficient administration of the City's affairs.

Subdivision 7. The City Administrator shall keep the council fully advised on the financial condition and needs of the City, and shall prepare and submit to the council and annual budget and capital program.

Subdivision 8. The City Administrator shall submit to the council and make available to the public a complete report on the finances and administrative activities of the City at the end of each fiscal year.

Subdivision 9. The City Administrator shall make recommendations for terminating and suspending Department heads and Division heads, and may suspend any Department head or Division head, until the next Council meeting when the Council shall affirm, modify or rescind the suspension.

Subdivision 10. The City Administrator shall perform such other duties as are prescribed by charter or may be required by the council. Ord. 2010-09, 3rd Series Passed 4-19-10

CHAPTER IV PROCEDURE OF COUNCIL

SECTION 4.01. COUNCIL MEETINGS.

REGULAR MEETINGS. On the first Monday after the first Saturday in January following a regular municipal election, the Council shall meet at the Council Chambers in the City Hall at such time as specified by Ordinance for a regular Council meeting. At this time the duly elected members of the Council shall assume their duties. Thereafter the Council shall meet at such times as may be prescribed by ordinance or resolution except that they shall have at least two regular meetings each month. Provided that if any regular meeting shall fall on a holiday or if it appears that a quorum of the Council will not be able to be present for a scheduled meeting the meeting shall be held when a quorum of the Council would be present. All meetings of the Council and its committees and subcommittees shall be open to the public in compliance with the provisions of state law. The Council shall use its best efforts to use an effect voice-amplifying or public address system at all regular Council meetings.

SPECIAL COUNCIL MEETINGS. The Mayor, or any three members of the Council may call a special meeting of the Council upon at least three business days advance written notice to each member of the Council. Such notice shall be delivered personally to each member, or shall be left with a person of suitable age and discretion at the usual place of abode of the councilmember. The written notice must also state the item or items to be discussed at the special meeting. The City shall also comply with all requirements of the open meeting law in effect at that time.

EMERGENCY COUNCIL MEETINGS. The Mayor, or any three members of the Council may call an emergency meeting of the council upon one hour's notice to each member of the council. Such notice shall be delivered personally to each member or shall be left with some person of suitable age and discretion at the usual place of abode of the Council member. An emergency meeting is a meeting called because of circumstances that, in the judgment of the mayor, or any three members of the Council, requires immediate consideration by the Council. Only matters relating to said emergency may be considered at this meeting. The City shall also comply with all requirements of the open meeting law in effect at that time.

SECTION 4.02. APPOINTED OFFICERS.

<u>CITY CLERK.</u> The City Administrator shall appoint a City Clerk who shall hold office under such terms and conditions as the City Administrator may prescribe. The City Clerk shall serve as Secretary of the City Council and shall keep such records and perform such duties as may be required by this charter, by ordinance or resolution of the City Council, or by State law. The City Clerk may hold any other city office not inconsistent therewith and may be charged with such administrative or managerial duties as the City Administrator shall determine.

<u>CITY ADMINISTRATOR</u>. The City Administrator may hold any other appointed City office not inconsistent therewith, including the office of City Clerk.

<u>CITY ATTORNEY</u>. The City Council shall appoint, or may authorize the City Administrator to appoint, a City Attorney who shall be an attorney licensed to practice before the highest Court in the State of Minnesota. The City Attorney shall act as legal advisor to the Mayor and City Council and to Department Heads, Commission Heads and Board Chairpersons', and shall perform all other legal services as directed or authorized by the City Council or the laws of the State.

OTHER APPOINTED OFFICERS AND EMPLOYEES. The City Administrator, upon authorization by the City Council, shall appoint such other and further officers and personnel as may be required to operate the city efficiently and the City Council shall determine the qualifications thereof and prescribe the duties to be performed by each. The terms of office, compensation and conditions of employment of all appointed officers and employees of the City shall be established by the City Council.

<u>INCOMPATIBLE OFFICES</u>. During the term for which he or she was elected, no elected officer of the City shall be appointed City Administrator nor be compensated for any municipal office or employment (except volunteer firemen) other than for which he or she was elected. For one year after leaving office, no former elected officer shall be appointed to any paid appointive office or employment under the City (except volunteer firemen) which was created or the compensation of which was increased during his or her term as an elected officer, except upon unanimous vote of the entire Council.

SECTION 4.03. RULES OF PROCEDURE AND QUORUM. Unless otherwise ordered and determined by this Charter or by the City Council by ordinance, the rules and order of business of the City Council shall be as prescribed in the latest revision of Robert's Rules of Order. The City Clerk shall keep a journal of the council's proceedings. A majority of all members of the City Council shall constitute a quorum to do business, although a lesser number may adjourn from time to time. The City Council shall provide by ordinance a means by which a minority may compel the attendance by absent members.

SECTION 4.035. AGENDA ITEMS.

<u>REGULAR COUNCIL MEETING</u>. In order to take action on an item at a regular meeting of the City Council, the item must be submitted to the City Clerk by 2:00 p.m. on the fifth calendar day before the day of the council meeting. Any item not submitted to the City Clerk by that time may be deferred to the next regular city council meeting or may be referred to a committee, commission or staff for study and recommendation. If an item is not submitted in a timely manner, the Council can take action on the item only if all council members present vote unanimously to take action on the item at that meeting.

<u>SPECIAL COUNCIL MEETING</u>. In order to take action on an item at a special council meeting that was not listed in the written notice required by Charter Section 4.01, a majority of the entire council must approve placing the item on the agenda of the special council meeting.

<u>SECTION 4.04. ORDINANCES (NON-EMERGENCY).</u> Every legislative act of the Council shall be by ordinance. Prior to the first vote on an ordinance or on an amendment to an ordinance, the proposed ordinance or amendment shall be submitted to the City Clerk in writing for distribution to the Mayor and City Council.

Every ordinance or amendment to an ordinance shall be first voted upon at a regular Council meeting; the second vote on said ordinance or amendment shall be at a subsequent regular or adjourned meeting which shall occur not less than one week after the first vote. No ordinance or amendment to an ordinance shall be passed until it has been favorably voted upon by the Council two times as herein provided. The requirement that an ordinance or amendment to an ordinance be favorably voted upon by the Council two times does require two consecutive favorable votes. An ordinance or amendment to an ordinance shall not be amended so as to change its intent after it has been voted upon once. Any proposed zoning related ordinance or proposed amendment to a zoning ordinance which does not pass either the first or second reading, shall be considered denied for purposes of Minn. Stat. §15.99. Any proposed ordinance or proposed amendment to an ordinance which has not passed its second vote within four months after its first favorable vote shall be considered void and before said proposed ordinance or proposed amendment may be considered passed, there shall occur two consecutive affirmative votes thereon within a four-month period. Ordinances and amendments to ordinances shall require the affirmative vote of a majority of the entire Council to pass each vote (unless a greater percentage is required by this Charter, by State Statute or by the subject ordinance itself, in which case each vote shall be passed by the designated percentage).

Every ordinance or amendment to an ordinance shall be published or a notice of the passage of said ordinance must be published before the ordinance or amendment takes effect. Publication of the entire ordinance in a newspaper of general circulation in the City shall constitute publication for this purpose. Publication may also be accomplished by publishing in a newspaper of general circulation in the City, for at least two successive weeks, a notice that the ordinance has been passed which notice shall specify in a general manner the subject matter of the ordinance and shall further state that copies of the ordinance are available at the office of the City Clerk. Publication of a codification of ordinances may be accomplished pursuant to Minnesota Statutes Annotated 415.021. Every ordinance passed under this paragraph shall take effect seven (7) days after publication or at such later date as is fixed therein.

SECTION 4.05. EMERGENCY ORDINANCES. An emergency ordinance is an ordinance necessary for the immediate preservation of the public peace, health, morals, safety, or welfare, in which ordinance the emergency is defined and declared in a preamble thereto. An emergency ordinance must be approved by a majority of the entire City Council. An emergency ordinance must be in writing but may be enacted without previous filing or voting, and may be passed finally at the meeting at which it is first introduced and voted upon, by one vote of the Council. An emergency ordinance shall remain in effect for the duration of the emergency and shall become void when the emergency no longer exists. No prosecution shall be based upon the provisions of an emergency ordinance until 24 hours after the ordinance has been filed with the City Clerk after passage and posted in three conspicuous places in the City, or until the ordinance has been published as provided in the preceding paragraph, unless the person charged with violation thereof had actual notice of the passage of the ordinance prior to the act or omission resulting in the prosecution.

<u>SECTION 4.06. RESOLUTIONS AND MOTIONS</u>. All powers except legislative powers enacted by ordinance shall be exercised by a resolution or motion. Any Councilmember or the Mayor may require the reading in full of a motion or resolution before a vote is taken thereon. Resolutions and Motions shall take effect immediately upon their passage.

SECTION 4.07. REVISION AND CODIFICATION OF ORDINANCES. The City may revise, rearrange and codify its ordinances with such additions and deletions as may be deemed necessary by the City Council. Such ordinance code shall be published in book, pamphlet or continuously revised loose-leaf form and copies shall be made available by the City Council at the office of the City Clerk for general distribution to the public at a reasonable charge. Publication in such a code shall be a sufficient publication of said ordinances contained in the codification, including 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 a newspaper of general circulation in the City for at least two successive weeks before the effective date of said codified ordinances.

<u>SECTION 4.08. AMENDMENTS OR REPEAL OF ORDINANCES</u>. Every ordinance upon its passage may be codified and recorded in a separate book or books kept for that purpose. Ordinances may be amended, either wholly or partially, or repealed, by reference to their sections, subsections or subparagraphs. It shall not be necessary in the case of amending an ordinance, to completely restate the entire section or sections to be amended.

SECTION 4.09. CONFLICT OF INTEREST. Except as otherwise permitted by Minnesota Statutes, any member of the City Council or of any City Commission who has a substantial financial interest in a matter which comes before that body for discussion, deliberation or decision shall, at the commencement of such discussion, deliberation or decision, relinquish his or her place on such body. He or she may participate in such discussion, deliberation or decision only as a member of the public, and shall resume his or her place on such body only after that matter has been decided or otherwise disposed of from the agenda of that meeting.

CHAPTER V TAXATION AND FINANCE

<u>SECTION 5.01. TAXATION</u>. The City Council shall have full authority over the 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 sound discretion, shall make appropriations for the payment of all liabilities and expenses.

<u>SECTION 5.02. FISCAL YEAR</u>. The fiscal year of the City shall be the calendar year.

<u>SECTION 5.03.</u> SYSTEM OF TAXATION. All property taxes shall be assessed and collected in the manner provided by Law. Subject to all Laws regarding taxation, the City Council shall have the full power to provide by Ordinance for a system of local taxation for general or special purposes.

<u>SECTION 5.04. BOARD OF EQUALIZATION</u>. The City Council shall constitute a Board of Equalization and shall meet as such in accordance with the provisions of Minnesota Statutes 274.01 as amended. The City Council may transfer the duties of Board of Review or Equalization under Minnesota Statutes Chapter 274 to the Dakota and Washington County Boards of Equalization.

SECTION 5.05. PREPARATION OF THE ANNUAL BUDGET. Annually, the City Administrator shall submit to the City Council a budget for the following fiscal year. The City Administrator shall prepare the estimates for the annual budget in accordance with generally accepted accounting procedures for municipal governments. The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year. Except as required by Law or the City Charter, the budget shall be in such form as the City Administrator deems appropriate, or as the City Council may require. In organizing the budget, the City Administrator shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity and object. It shall begin with a clear summary of its contents, showing in detail the estimated income, indicating the proposed property tax levy, and all proposed expenditures including debt service for the ensuing fiscal year. The budget shall be so arranged to show comparative figures for actual income and estimate income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (A) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of the respective work programs, and the method of financing such expenditures.
- (B) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditures.
- (C) Anticipated net surplus or deficit for the following fiscal year of each utility or other income producing property owned or operated by the City and the proposed method of its disposition; subsidiary budget for each such utility and property giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income, which may include current fund balances.

SECTION 5.06. PASSAGE OF BUDGET. Not later than the first regular scheduled City Council meeting in September, the City Council shall establish dates for public hearings for the budget. The public hearings shall be conducted to give interested citizens a reasonable opportunity to be heard. The City Administrator shall explain the various items thereof as deemed necessary by the City Council. The annual budget agreed upon shall set forth in detail the financial plan of the City for the ensuing fiscal year, and shall be approved by a majority vote of the entire City Council, by Resolution. The sums appropriated shall not exceed the funds available for each fund. The City Council shall also adopt a separate Resolution levying the taxes, it considers necessary within statutory limits for the ensuing year. The tax Resolution shall be certified to the Counties of Dakota and Washington.

<u>SECTION 5.07. CAPITAL PROGRAM</u>. The City Administrator shall prepare and submit to the City Council a five year capital program at the same time the annual budget is submitted to the City Council. The capital program shall include the following:

- (A) A clear general summary of its contents.
- (B) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with the appropriate supporting information as to the necessity for such improvements.
- (C) Cost estimates. Method of financing and recommended time schedule for each such improvement; and
- (D) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The capital program may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition. The City Council, by Resolution, shall adopt the Capital Program at the same time it approves the budget for the next fiscal year.

SECTION 5.08. ENFORCEMENT OF THE BUDGET. It shall be the duty of the City Administrator to enforce the provisions of the budget. The City Administrator shall approve orders upon the City Treasury for expenditures in which an appropriation has been included in the budget, and for which there is sufficient unexpended balance in the appropriate fund, after deduction of the total past expenditures and the sum of all outstanding orders against such fund. 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.

SECTION 5.09. AMENDMENTS TO THE BUDGET. The City Council may adopt the budget with amendments. In amending the budget, the City Council may add or increase the budget with amendments. In amending the budget, the City Council may add or increase programs, or amounts, and may delete or decrease any programs or amounts, except expenditures required by Law or for debt service or for estimated cash deficits, provided that no amendments to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

After adoption of the budget, the City Council, may at any time, by Resolution approved by a majority of the entire City Council, amend the budget as follows:

- A. Supplemental Appropriations. If during the fiscal year the City Administrator determines that there are available for appropriation, revenues in excess of those estimated in the budget the City Council by resolution may make supplemental appropriations for the year, up to the amount of such excess.
- B. Reduction of appropriations. If at any time during the fiscal year it appears probable to the City Administrator that the revenues available will be insufficient to meet the amount appropriated, he or she shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him or her, and his or her recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by resolution reduce one or more appropriations.
- C. Transfer of appropriations. At any time during the fiscal year the City Administrator may transfer part or all of any unencumbered appropriation amounts among programs within a department, office, or agency, and, upon written request by the Budget Official, the City Council may, by resolution, transfer part or all of any unencumbered appropriations balance from one department, office, or agency to another.
- D. Limitation. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof.

<u>SECTION 5.10. PUBLIC RECORDS</u>. Copies of the budget and the capital program adopted shall be public records and shall be made available to the public.

<u>SECTION 5.11. CERTIFICATION OF TAX LEVY</u>. After the adoption of the budget, the City Council shall by resolution determine the amount to be provided by an ad valorem tax on all taxable property of the City. The resolution shall be certified to the Dakota County and Washington County as required by the Laws of the State of Minnesota.

<u>SECTION 5.12. FUNDS</u>. The City shall maintain such funds as are required by State Statute, or by Resolution or Ordinance of the City Council.

<u>SECTION 5.13. LAPSE OF APPROPRIATIONS</u>. Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue to be in force until the purpose for which it was made has been accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if the funds or apportionment are not disbursed during the planned capitalization period.

SECTION 5.14. DISBURSEMENT OF FUNDS. Disbursement shall be made pursuant to procedures prescribed by City Ordinance. No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made and unless the City Administrator first certifies that there is a sufficient amount of unencumbered balance in such allotment or appropriation and that sufficient funds therefrom are, or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal; such action shall be cause for removal of any officer who knowingly authorized or made such payment, or incurred such obligation, and he or she shall also be liable to the City for any amount so paid. However, except where prohibited by Law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital

improvements to be financed wholly or partly for the issuance of bonds or by grants or gifts or to prevent the making of any contract or providing for payments beyond the end of the fiscal year, provided that such action is made or approved by resolution.

<u>SECTION 5.15. ACCOUNTS AND REPORTS</u>. The accounts of the City shall be maintained in accordance with generally accepted governmental accounting standards and procedures. The City Administrator shall submit reports necessary to keep the City Council fully informed of the financial condition of the City. Once each year by the 30th day of June, the City Administrator shall submit a complete financial report to the City Council for the preceding year. A summary of the report shall be published in the official newspaper.

SECTION 5.16. BORROWING. The City may borrow money for such purposes, in such manner, and to such extent as permitted by the Laws of the State of Minnesota. Whenever said laws require prior approval of the electors for any borrowing by the City, such approval shall not be required provided, the City Council adopts a resolution by a vote of at least three-fourths (3/4) of all its members determining to undertake such borrowing and unless within ten (10) days after the second publication of such Resolution, which must be published twice, a week apart, in the official newspaper of the City, a petition signed by voters of the City equaling not less than 5 percent of the number voting in the last general election held in the City, shall be filed with the City Clerk requesting an election.

CHAPTER VI INDUSTRIAL AND COMMERCIAL PROMOTION AND DEVELOPMENT

SECTION 6.01. In addition to the powers otherwise granted by Minnesota Laws and this Charter, the City of Hastings shall have the power to acquire by purchase, gift or devise, and develop, on such terms as the City Council may in its sole discretion from time to time determine, all necessary right, title and interest in and to land, including air rights, and any buildings and equipment thereon, necessary or desirable for the purpose of promoting industry and providing employment, and in order to promote, attract, encourage and develop economically sound industry and commerce through governmental action for the purpose of preventing so far as possible, the emergency of blight and marginal lands or chronic unemployment.

SECTION 6.02. The City may pay for the acquisition and development of the property acquired for the purposes and pursuant to the provisions of Section 6.01 above out of such funds as may from time to time be available and appropriated by the City Council for such purposes, including but not limited to funds acquired through the issuance of general or special obligation bonds. If the acquisition and development of lands acquired pursuant to Section 6.01 is paid for from the proceeds of general obligation bonds, the development of such lands may include provision for utility services, including water, sanitary sewers, storm sewers or other drainage facilities, and transportation, power and communications facilities, which are necessary and incidental to the use of such lands for the foregoing purposes, but except with respect to such facilities may not include provision for the construction of structures or buildings on the premises or the furnishing or equipping thereof.

If acquisition and development are paid for from the proceeds of general obligation bonds, such bonds shall be authorized, issued, sold and accounted for in the manner and upon the terms, conditions and provisions prescribed by Chapter 475 Minnesota Statutes and acts amendatory thereof and supplemental thereto. The general obligation bonds authorized by this section shall not be subject to any limitation contained in this City Charter prescribing or fixing any limit upon the bonded indebtedness of this City.

<u>SECTION 6.03</u>. Notwithstanding any other provision of this Charter to the contrary, any properties acquired or owned by the City and not required for municipal purposes may be sold or leased without approval of the electorate to achieve the purposes set forth in Section 6.01 above on such terms and conditions as the City Council in its sole discretion shall determine.

<u>SECTION 6.04.</u> Nothing contained herein shall be construed to restrict the power and authority of the City to develop, lease and sell property acquired pursuant to this Chapter in accordance with the further provisions of Minnesota Statutes Chapter 469, as amended or supplemented, or such other laws as may from time to time be adopted, or to restrict in any way the powers granted to the City under Minnesota Statutes Chapter 469, and acts amendatory and supplemental thereto, or such other laws as may from time to time be adopted.

CHAPTER VII MISCELLANEOUS PROVISIONS

SECTION 7.01. PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS. The City shall have the power to make any and every type of improvement not forbidden by the laws of this State and to levy special assessments to pay all or any part of the costs of said improvements. The amounts assessed to benefited property to pay for such improvements may equal the cost of the improvement, including all costs and expenses connected therewith, with interest until paid, but shall in no case exceed benefits to the property. The procedure for making said improvements and levying assessments shall be as provided in Minnesota Statutes.

SECTION 7.02. POWER TO ACQUIRE PROPERTY. The City may acquire by purchase, gift, devise or condemnation, any property, corporeal or incorporeal, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose. Easements for slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase or condemnation in the manner provided by law. The procedure for exercise of the power of eminent domain shall be as provided for in Minnesota Statutes.

<u>SECTION 7.03. OFFICIAL PUBLICATIONS</u>. The City Council may annually designate a legal newspaper or newspaper of general circulation in the City as its official newspaper or newspapers 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 in the public interest to have published in this manner.

SECTION 7.04. SALES OF REAL PROPERTY. No real property of the City shall be disposed of unless the Council shall first pass a resolution containing specific findings that the public interest requires that the property be disposed of, and only after public notice and hearing of such proposed disposition. The proceeds of any sales of such property shall be used, as far as possible, to retire any outstanding indebtedness incurred by the City in the purchase, construction or improvement of this property. If there is no such outstanding indebtedness, the Council may by resolution designate some other public use for the proceeds. Sales of real property owned by the City shall be conducted in commercially reasonable manners.

SECTION 7.05. VACATION OF STREETS AND ALLEYS. The Council may be resolution approved by at least a majority of its entire membership, vacate any street or alley, public way, public grounds or public easement or part thereof within the City of Hastings. Such vacation may be made only after published notice and an opportunity for affected property owners and the public to be heard, and upon such further terms and by such further procedures as the Council may prescribe. A notice of completion of such proceedings shall be filed with the County Recorder.

SECTION 7.06. CITY TO SUCCEED RIGHTS AND OBLIGATIONS OF FORMER CHARTER. 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.

<u>SECTION 7.07. PRESENT OFFICERS TO CONTINUE IN OFFICE</u>. The present elected officials of the City shall continue in their respective offices and functions for the term which they were elected.

<u>SECTION 7.08. STATUTES NOT AFFECTED BY CHARTER</u>. All general laws and statutes of the State applicable to all cities operating under home rule charters, or applicable to cities of the same class as the City of Hastings operating under home rule charters, and not inconsistent with the provisions of this charter, shall apply to the City of Hastings and shall be construed as supplementary to the provisions of this charter.

<u>SECTION 7.09. EXISTING ORDINANCES CONTINUED</u>. All ordinances and regulations of the City in force when this charter takes effect and not inconsistent with the provisions hereof, are hereby continued in full force and effect until amended or repealed.

<u>SECTION 7.10. PENDING CONDEMNATIONS AND ASSESSMENTS</u>. Any condemnation 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 and the lien thereof enforced in the same manner as if this charter had not been adopted.

<u>SECTION 7.11. ORDINANCES TO MAKE CHARTER EFFECTIVE</u>. The Council shall by ordinance make such regulations as may be necessary to carry out and make effective the provisions of this charter.

SECTION 7.12. GIFTS AND GRATUITIES. Employees of the City in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any compensation, payment of expense, gift, reward, gratuity, favor, service, or promise of future employment or other future benefit from any source except the City for any activity related to the duties of the employee unless otherwise provided by law. However, acceptance of any of the following shall not be a violation of this section:

- (a) Gifts of only nominal value
- (b) Plaques or similar mementos recognizing individual services in a field of specialty or to a charitable cause.

SECTION 7.13. CONTRACTS. Except as otherwise permitted by law, no employee of the City who is authorized to take part in any manner in making any contract on behalf of the City shall knowingly have a personal financial interest in or personally benefit financially from such contract. A violation of this section shall be grounds for termination of the employee. The offender may be removed from employment after compliance with all required procedures for termination established by Federal law, State law, City Ordinance, union contract or City personnel policy.

Charter Amendments

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Section 1.03
      Council Meeting: 05-07-1984
      Council Meeting: 03-16-1992
      Council Meeting: 04-15-2002
      Council Meeting: 03-19-2012
Section 2.05
       2.07
       3.02
       3.025
       3.04
       3.05
       3.07
       3.01
       3.11
       3.12 Subd. 1-11
       4.02
       3.06
       4.035
Source: Special Election June 24, 1986 (See Council minutes from June 25, 1986).
Effective Date: July 24, 1986
                                  5.16
Section 3.05
                    2.06
                           3.08
       4.01
                    3.01
                           3.09
                                  6.01
       4.04
                    3.02
                           4.01
                                  6.02
       1.03
                    3.03
                           4.02
                                  7.04
       2.02
                    3.04
                           4.03
                                  7.08
       2.03
                           5.08
                    3.05
       2.04
                           5.12
                    3.06
       2.05
                    3.07
                           5.14
Source: Ordinance No. 211, Second Series
Effective Date: December 1, 1986
Section 3.03
Source: Ordinance No. 220, Second Series
Effective Date: June 3, 1987
Section: 3.04
      3.09
      4.02
      4.09
      7.12
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Source: General Election November 8, 1988. (See Council minutes of November 9, 1988). Effective Date: December 8, 1988.

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Section 4.01

Source: Ordinance 254, Second Series

Effective Date: July 3, 1989

Section: 3.08 Source: Ordinance 294, Second Series

3.10 Source: Ordinance 295, Second Series

3.11 Source: Ordinance 296, Second Series

4.01 Source: Ordinance 297, Second Series

4.035 Source: Ordinance 298, Second Series

4.06 Source: Ordinance 299, Second Series

4.07 Source: Ordinance 300, Second Series

5.04 Source: Ordinance 301, Second Series

5.06 Source: Ordinance 302, Second Series

5.08 Source: Ordinance 303, Second Series

5.09 Source: Ordinance 304, Second Series

6.03 Source: Ordinance 305, Second Series

6.04 Source: Ordinance 306, Second Series

7.13 Source: Ordinance 307, Second Series

Effective Date: November 13, 1991

Section 1.03

Source: Redistricting - Charter Commission

Council Meeting: March 16, 1992

Section 2.04

Source: Ordinance #324, Second Series

Effective Date: June 25, 1992

Section 2.05 Source: Ordinance 344, 2nd Series Section 3.02 Source: Ordinance 345, 2nd Series Section 3.07 Source: Ordinance 346, 2nd Series Section 5.03 Source: Ordinance 347, 2nd Series

Effective Date: October 17, 1993

Section 3.06 Source: Ordinance 353, 2nd Series

Effective Date: April 27, 1994

Section 4.04 Source: Ordinance 374, 2nd Series

Effective Date: November 22, 1995

Section 4.01 Source: Ordinance 383, 2nd Series

Effective Date: March 17, 1996

Source: Redistricting—Charter Commission Council Meeting: April 15, 2002

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