



TO: Charter Commission Members
FROM: Deb Skogen, City Clerk and Staff Liaison
Date: September 28, 2016
Re: Charter Commission Meeting of October 3, 2016

This is a reminder to you that the next Charter Commission meeting will be held next Monday, October 3rd at 7:00 p.m. in Conference Room A on the Upper Level.

In order to ensure a quorum, please remember, the Charter Commission bylaws require a member to call or e-mail staff before 10:00 a.m. Monday, October 3rd, to notify us whether or not you plan on attending the meeting. You may call me at (763)572-3523 or Jake at (763)572-3508 or email deb.skogen@fridleymn.gov or jake.foster@fridleymn.gov whether or not you will be attending the meeting.

If there will not be a quorum, **an e-mail will be sent out by Noon MONDAY** notifying everyone there will not be a quorum and the meeting will be cancelled. A notice will then be placed at the door of City Hall announcing the cancellation of the meeting for those commissioners who did not call, but came to the meeting.

Please let me know if you need any additional information prior to the meeting.



**CITY OF FRIDLEY
CHARTER COMMISSION**

AGENDA

**MONDAY, OCTOBER 3, 2016
7:00 P.M.**

LOCATION: FRIDLEY MUNICIPAL CENTER
CONFERENCE ROOM A – UPPER LEVEL

- 1. CALL TO ORDER:**
- 2. ROLL CALL:**
- 3. APPROVAL OF AGENDA:**
Motion approving the October 3, 2016 meeting agenda
- 4. APPROVAL OF MINUTES**
Motion approving the September 6, 2016 meeting minutes
- 5. ADMINISTRATIVE MATTERS**
A. 2017 Calendar
- 6. OLD BUSINESS**
A. Discussion of Chapter 2
- 7. NEW BUSINESS**
A. Discussion of Chapter 7
- 8. FUTURE MEETING TOPICS/COMMUNICATIONS**
A. Discussion of Chapter 10 (Tabled until after current franchise negotiations completed)
- 9. ADJOURNMENT**
Motion to adjourn the meeting

**Next Regular Commission Meeting
Date: JANUARY 2017**

CITY OF FRIDLEY
CHARTER COMMISSION MEETING
SEPTEMBER 6, 2016

CALL TO ORDER:

Chairperson Reynolds called the Charter Commission meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Commissioners Gary Braam, Zach Crandall, Don Findell, Manuel Granroos, Ted Kranz, Rick Nelson, David Ostwald, Barb Reiland, Pam Reynolds,

Members Absent: Commissioners Marion Flickinger, Novella Ollawore, Lois Scholzen, Cindy Soule, Avonna Stark and Richard Walch

Others Present: Deb Skogen, City Clerk/Staff Liaison
Jake Foster, City Management/Elections Intern
Wally Wysopal, City Manager
Bob Barnette, Councilmember at Large

APPROVAL OF AGENDA

Commissioner Kranz MOVED and Commissioner Reiland seconded a motion to add City Manager Wally Wysopal to the agenda under new business as Item 7A.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

Commissioner Nelson MOVED and Commissioner Braam seconded a motion to approve the amended meeting agenda.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

APPROVAL OF MINUTES

Ms. Skogen said she had found two corrections to the minutes and recommended the Commission make those changes. The changes were on page 4:

5th paragraph from the top, last sentence changing the word that to than.

7th paragraph from the top, first sentence changing Chart to Charter

Commissioner Braam MOVED and Commissioner Nelson seconded a motion approving the Charter Commission meeting minutes of May 2, 2016 as amended.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED.

ADMINISTRATIVE MATTERS

A. By-Law Amendment

Ms. Skogen stated that she had prepared the May 2, 2016 approved bylaws for their books. She said they had also received a copy in their packets.

B. Update on Negotiations with CenturyLink Cable Franchise

Ms. Skogen stated the negotiations were still underway with CenturyLink. City staff had met with Attorney Brian Grogan who is representing the City in the negotiations to review the latest franchise language changes proposed by CenturyLink. Attorney Grogan was going to put the final touches on the language and send it back to CenturyLink for them to review and set up a meeting. The hope is that the negotiations will go to the City Council in October.

OLD BUSINESS

A. Discussion of Chapter 2

Chairperson Reynolds wondered if the Commission had gotten Section 2.07 pertaining to oath of office.

Ms. Skogen stated at the last meeting she had provided information that elected officials did not have to be given their oath at the first regular meeting in January. She said the oath could be administered at any time, even in an emergency situation. She said the practice of the City was to have the newly elected officers take their oath at the first regular meeting in January.

Chairperson Reynolds asked Commissioner Nelson if that answered his question. Commissioner Nelson said yes and by removing the December 31st date the language would work.

The Commissioners began discussing Section 2.07.5 further for clarification and to make it easier to understand.

Commissioner Zach Crandall recommended the following change: The term of Mayor and of each Councilmember shall begin after taking their oath of office..."

Ms. Skogen said if the section looked confusing, the last sentence could be moved near the beginning of the paragraph.

After a lot of discussion about the term oath of office or swearing in, it was determined to use swearing in or sworn in vs. taking oath of office. It was also suggested that the last sentence, defining when the swearing in of officers took place, be its own section; and the definition of term would be in a separate section. After the discussion, the final amendments are as follows, and with the current no. 6 changing to 7:

5. The first order of business at the first official council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council.

6. The term of Mayor and of each Councilmember shall begin after being sworn in following their election. Their term shall end upon the newly qualified elected officials being sworn in. The incumbent ~~may shall~~ remain in office until a successor has been duly qualified and accepts the office. ~~The first order of business at the first official council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council.~~

Chairperson Reynolds asked if anyone had any changes to Section 2.03. Hearing none, she moved onto Section 2.04.

Commissioner Findell asked to go back to page 5 of the minutes for clarification. He said the language in the 4th paragraph from the bottom was confusing and wondered what the words “added capture” actually meant.

Ms. Skogen said the Commissioners wanted more duties of the councilmember at large defined and to take some of those duties from the councilmember. The discussion of this section was to add language so the councilmember at large knew when filing for office that if the mayor were unable to serve, or there was a vacancy, they would be expected to become mayor. She said Commissioner Findell was most likely thinking of different terminology than she was. If you are doing any kind of writing or adding things, sometimes you are capturing an idea from someplace else and thought that might be what was meant in that sentence.

Chairperson Reynolds wondered if they had to do anything to change the minutes. Commissioner Nelson said they could just clarify capture to define. Ms. Skogen would make that change.

Commissioner Reiland wondered why the word shall was used in 2.04.2. Commissioner Nelson said that shall was a must and may was discretionary. Ms. Skogen said shall is the legal terminology for must and is used in state statute and other areas of the law. Commissioner Reiland said that was fine.

The commissioners then began discussing residency requirements and remaining a resident. They felt if it was going to be in the councilmember at large section, it should also be in under the mayor’s section. After further discussion and determining Section 2.07 stated a

vacancy would occur if an official ceased to be a resident of the city or ward, No. 2 was deleted from section 2.04.

In addition, when reviewing Section 2.05 for ward councilmembers, the Commissioners felt that the second sentence in number 2 of that section should be removed. So it should read as follows:

2. A Ward Councilmember must be a resident of such ward. ~~If the Ward Councilmember ceases to be a resident of the ward, then that office shall be declared vacant.~~ However, a change in ward boundaries during the term of office shall not disqualify the Councilmember from completing the term. (Ref Ord 1034)

Ms. Skogen said in Section 2.05, now Section 2.06, that redetermined was changed to redistricted to be consistent throughout the chapter and state law. Commissioner Findell said there was one additional changed needed in the third sentence of number 3.

There were no changes to Section 2.06 other than the renumbering due to the addition of the new section 2.04.

Ms. Skogen stated in the new Section 2.07, the Commissioners had requested bullet points to make it easier to understand and added abandonment of office.

Commissioner Nelson asked in Section 2.07 what abandonment of office meant. He wondered if the bullet points defined what abandonment meant.

Commissioner Findell wondered if there should be a definition of abandonment. He said abandonment of office was not doing the job.

Chairperson Reynolds said the Commissioners addressed abandonment at the last meeting after referring to the League of MN Cities Handbook Chapter 6. She cited the intent of an office holder is the controlling factor. The attorney general, while cautioning that this is a question of fact has indicated that failure to participate in council activities for three months is sufficient grounds for declaring an abandonment. She said the vacancies did not address failure to participate and that was why it was added. She said the failure to participate in council activities was not listed under vacancies, only that they fail to attend any council meetings for three consecutive months.

Commissioner Nelson thought it should then be tied to continuous absence from the city for three months shall be considered an abandonment of office and a vacancy shall be declared.

Chairperson Reynolds said the LMC Handbook said if a councilmember was unable to serve or attend council meetings for a 90 day period because of illness, absence from or refusal to attend council meetings, the council could, by resolution, declare the seat vacant and appoint an individual to serve the remainder of the unexpired term or until the absent councilmember is able to resume duties or attend council meetings.

Ms. Skogen said in the past there was a very sick individual who could not attend meetings and it left a lot of uncertainty. She thought maybe that's why the language was changed.

Chairperson Reynolds said they had discussed Chapter 412 of the MN Statutes. Ms. Skogen said that was the Chapter regulating statutory cities and Chapter 410 regulated Charter Cities. She said a charter would define how a vacancy would occur and could be more restrictive than statutory cities.

Commissioner Findell said he thought abandonment still needed to be defined more.

Ms. Skogen said Commissioner Nelson suggested adding the words abandonment to the end of the sentence "continuous absence from the City for more than three (3) consecutive months shall be an abandonment of office;

Commissioner Crandall wondered if you could add the following: "failure to attend any council meetings or participate in council activities or council business for three (3) consecutive months."

Commissioner Granroos asked Councilmember Barnette, other than council meetings, if he had an office, took phone calls or other activities that he had to attend to as a councilmember. Councilmember Barnette responded he gets phone calls all of the time. Commissioner Granroos wondered if he weren't responding if that would be an abandonment of office or failure to do your duty type situation. Councilmember Barnette said yes, he thought it would be.

Ms. Skogen said voters also had an opportunity to vote out an individual if they were not doing their job. She said that a councilmember's failure to do their duties could be considered a malfeasance of office and the voters could petition to recall that individual.

Commissioner Findell said there was no description in this section about failure to do their duties so maybe that would be considered the abandonment.

Chairperson Reynolds said a 1924 Attorney General opinion, while cautioning it is a question of fact, has indicated that failure to participate in council activities for three months is sufficient grounds for declaring the abandonment of office. To define abandonment of office, does it have to have something in front of it that says failure to participate in council activities for three months.

Ms. Skogen said you would have to prove the individual did not participate and wondered how you could prove it. She said if they were attending, they would be on record as attending their meetings. How do you prove they are not participating?

Commissioners Crandall and Findell said if they abstained from voting they would be on record.

Ms. Skogen said, other than being their meetings, how could you prove they were not doing their duties as a councilmember.

Chairperson Reynolds said the AG opinion said it was a question of fact and you would have to have proof. She said Ms. Skogen suggested the ability to recall a councilmember for malfeasance provided a different avenue than the vacancy route.

There was further discussion and it was agreed the words abandonment of office would be removed from this section.

Commissioner Kranz wondered about adding language about unexcused absence, citing Mayor Nee's absence due to an illness. He asked if he missed any meetings and Councilmember Barnette said he did not miss his meetings. Councilmember Fitzpatrick had been sick and had missed a lot of meetings. He had not been replaced.

Ms. Skogen said that left that ward without representation and that may be why there is no language for illness. She said she could do further research and provide that information to the Commissioners at the next meeting.

Commissioner Findell said there was nothing in the Charter if a councilmember got sick, was unable to attend and then got better. There is nothing that would provide for a temporary replacement. Chairperson Reynolds said the City's charter was more restrictive and did not have that language, but statutory cities would have that option.

Chairperson Reynolds said she understood that at one time Councilmember Schneider was not attending meetings. Commissioner Braam said while he had not moved out of the city, he was transferred on business.

Commissioner Nelson said they should remove the words "more than" be removed from the "continuous absence from the City for ~~more than~~ three (3) months"; so that it was consistent with the bullet point below it.

NEW BUSINESS

A. Discussion with City Manager Pertaining to Tax Levy Limit

City Manager Wally Wysopal said at a recent council meeting, the City Council had a discussion about city's long-term financial picture. The items discussed at the three budget cycles he has had with the Council have tied back to the ability to raise the levy and fees. He brought them information to help understand what Chapter 7, which provides taxation authority and ability to raise fees, and where the cap and fee limitation come from and try to develop a discussion about that without immediately leaping to any statements about whether it should be retained, changed or modified in any way. We are taking a policy analysis approach to lead the discussion. It has been 16 years and it is a good time to analyze if it has done what it was originally set out to do. What do we know about it? Why was it instituted?

What are the goals or benchmarks and have they been met? What are we trying to achieve? By answer these questions we hope to develop an understanding of where to go from here.

He is looking for input from the Charter Commission and the City Council. He developed some general questions to ask to develop some understanding about where to go from here. He said he understands some of the members were around when the restriction was approved and some of the members would not. He would like to have each member review the questionnaire and provide to Jake any suggestions or changes they might have before they send it out formally. In addition, he was wondering if there were other individuals, groups or policy makers in the City that they might think about including in the discussion phase.

He said they do this all the time when they are looking at policies such as street reconstruction, parks programs, their hiring process, and others. This is policy review: What are we trying to achieve, what are the objectives? This provides an opportunity to set the parameters needed for research, complete the research, and to review the information. It is an invitation to participate, as a group and as individuals.

Commissioner Kranz said he felt it was appropriate to get involved to find out why it was done, what could be done, and if it should be done. He hoped the city didn't get to the stage of creating fees as new revenue to handle finances in the city.

Mr. Wysopal said he is not going in with any preconceived notions or something to pull out of his back pocket. We need to understand if it is working. He respects what the Charter Commission does and thinks it is wonderful. He loved hearing the discussion this evening. It was like sitting back and listening to the founding fathers. Those are important things and he needs to be able to work within that environment. He was not trying to change it in any way other than what the policymakers want, but he does have some concerns about what the city will be able to do into the future and he does not want to provide the answer.

Chairperson Reynolds said part of the language was changed in 1997 by ordinance 1102 prior to the 2000 restriction, and asked if he was looking to start only after 2000 petition or before.

Mr. Wysopal said there had been levy limitations in the State of MN on cities and in Fridley in the Charter, but they used a different method at the time called a mill rate. He was not sure if there was a difference, but it is still part of the same question – what is the levy restriction and fee implementation trying to achieve.

Chairperson Reynolds said it was to keep taxes low. If it got eliminated, then what would happen?

Mr. Wysopal said he wasn't here to argue about it. He said when you budget and work with it every day, there are things they have had to do that are what was in mind to begin with. To be specific, he did not think it was the idea that the city would go into debt for things most cities don't do. For instance, the debt for the water utility, cities just don't do that, but the city had to do it and he had to authorize it. We can now paint the water hydrants, which

hadn't been done in 10 years. When you have to go into debt to do things, it raises yellow flags. Is this what was intended to do?

Commissioner Nelson said it was all about controlling it and anything with high numbers had to go before the voters for approval, and that it wasn't just a blank check for the council or staff to say we need to do this now so we are going to raise the levy by x%. Think it was that they wanted to make sure there was some control. They believe if it was something major that needed to be done and it was justified, the voters would approve it. If it wasn't then the citizens have decided it wasn't a priority for them.

Mr. Wysopal said he was again asking if they wanted to participate. He was not trying to conceal anything, but when you are the only city in Minnesota that has such a restriction, you have to ask the question why us.

Chairperson Reynolds said when they talked about Chapter 7 in the past; the Commission had looked at Mounds View and their restriction of the change in CPI plus 2%. She thought it was tabled at that time indefinitely.

Mr. Wysopal said at that time the Charter Commission didn't ask for any information from the City. In retrospect, he is glad they are having a discussion now and asking for input to provide information to be to understand if the restrictions are doing what was actually meant to do when it was adopted.

For a perspective on the history of the levy restriction, Ms. Skogen said she would provide a link to the ad hoc minutes after the election to the Commissioners for their review.

Ms. Skogen asked for the Commissioners to review the questions individual and provide any other questions they may have or any suggested changes or rephrasing to the current questions by Friday of next week so they could be tabulated into one final questionnaire to be sent out to all Commissioners and the City Council, as well as to others that might be important to answering the questions.

FUTURE TOPICS

Old Business – Discussion of Chapter 2

New Business – Discussion of questionnaire/Chapter 7

ADJOURNMENT:

Commissioner Braam MOVED and Commissioner Reiland seconded a motion to adjourn the meeting.

UPON A VOICE VOTE, ALL VOTING AYE, CHAIRPERSON REYNOLDS DECLARED THE MOTION CARRIED AND THE MEETING WAS ADJOURNED AT 8:30 P.M.

Respectfully submitted,

Debra A. Skogen, MMC
City Clerk/Staff Liaison
Commissioner Donald Findell
Secretary



City of Fridley Calendar

2017

IMPORTANT DATES

JANUARY

S	M	T	W	T	F	S
1	X	3	4	5	6	7
8	9	10	11	12	13	14
15	X	17	18	19	20	21
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FEBRUARY

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MARCH

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APRIL

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JULY

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AUGUST

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SEPTEMBER

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OCTOBER

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NOVEMBER

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31						

January

- 2 *New Year's Day Obs.*
- 9 City Council Meeting
- 16 *Martin Luther King Jr. Day*
- 30 Conference Meeting
City Council Meeting

February

- 13 City Council Meeting
- 20 *Presidents' Day*
- 27 Conference Meeting
City Council Meeting

March

- 13 City Council Meeting
- 20 Conference Meeting
- 27 City Council Meeting

April

- 10 City Council Meeting
- 24 City Council Meeting

May

- 8 City Council Meeting
- 22 City Council Meeting
- 29 *Memorial Day*

June

- 12 City Council Meeting
- 19 Conference Meeting
- 26 City Council Meeting

July

- 3 *City Holiday*
- 4 *Independence Day*
- 10 City Council Meeting
- 24 City Council Meeting

August

- 14 City Council Meeting
- 28 City Council Meeting

September

- 4 *Labor Day*
- 11 Conference Meeting
City Council Meeting
- 25 City Council Meeting

October

- 9 City Council Meeting
- 16 Conference Meeting
- 23 City Council Meeting

November

- 10 *Veterans' Day Obs.*
- 13 City Council Meeting
- 23 *Thanksgiving Holiday*
- 24 *City Holiday*
- 27 Conference Meeting
City Council Meeting

December

- 11 Conference Meeting
City Council Meeting
- 18 City Council Meeting
- 25 *Christmas*

X - Holiday O - City Council Meeting □ - Council Conference Meeting

09-06-16 DRAFT

FRIDLEY CITY CHARTER
CHAPTER 2. CITY COUNCIL ORGANIZATION

Section 2.01. COUNCIL-MANAGER PLAN IMPLEMENTATION.

1. The form of government established by this Charter shall be known as the "Council-Manager Plan" pursuant to Minnesota Statutes. (Ref. Ord. 1034)
2. All discretionary powers of the City, both legislative and executive, shall vest in and be exercised by the City Council. It shall have complete control over the City administration, but shall exercise this control exclusively through the City Manager and shall not itself attempt to perform any administrative duties. (Ref. Ord. 1034)
3. The Council shall perform the duties and exercise the powers of all City boards and commissions except as otherwise provided by statute or by this Charter. It may by ordinance create commissions with advisory powers to investigate any subject of interest to the municipality. (Ref. Ord. 1034)
4. The Council shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. The Council may at any time provide for an examination or audit of the accounts of any office or department of the City government, or it may cause to be made any survey or research study of any problem affecting the City or its inhabitants. Each such investigation shall be authorized by resolution of the Council. (Ref. Ord. 1034)
5. Any member of the Council may request in writing any specific information relating to any department via the City Manager. The City Manager shall respond in writing within a reasonable period of time. (Ref. Ord. 592, Ord. 1034)
6. Except for the purpose of inquiry, the Council and its members shall deal with and control the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately. (Ref. Ord. 1034)

Section 2.02. ELECTIVE OFFICERS.

1. The Council shall be composed of a Mayor and four (4) Councilmembers who shall be eligible voters as defined by Section 1.04.1 of this Charter. (Ref. Ord. 1252)
2. The Mayor shall be elected at large in each United States presidential election year to a term of four (4) years. (Ref. Ord. 1034)

02/13/2012

3. One (1) Councilmember shall be elected at large in each United States presidential election year to a term of four (4) years. (Ref. Ord. 1034)
4. Three (3) Councilmembers shall be elected in each Minnesota gubernatorial election year from three (3) separate Wards of the City to terms of four (4) years each. (Ref. Ord. 1034)
5. The first order of business at the first official Council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council.
56. The term of Mayor and of each Councilmember shall begin after being sworn in following their election. Their term shall end upon the newly qualified elected official(s) being sworn in. ~~on the first day of January following their election to office and shall end on December 31 of the last year of the term.~~ The incumbent ~~may~~ shall remain in office until a successor has been duly qualified and accepts the office. ~~The first order of business at the first official Council meeting in each January that follows an election year shall be the swearing in of the newly elected members of the Council. (Ref. Ord. 1034)~~
67. The Council shall serve as the canvassing board for city elections. (Ref. Ord. 1252)

Section 2.03. THE MAYOR.

1. The Mayor shall be the presiding officer of the Council, except that a mayor pro tem shall be ~~chosen from the remaining Councilmembers to serve at the pleasure of the Council the councilmember at large~~ who shall act as Mayor in case of the Mayor's temporary disability or absence from the City. Should neither be available, the mayor pro tem shall be chosen from the remaining Councilmembers to serve at the pleasure of the Council.
2. The Mayor shall vote as a member of the Council. (Ref. Ord. 1034)
3. The Mayor shall exercise all powers and perform all duties conferred and imposed by this Charter, the ordinances of the City and the laws of the State. (Ref. Ord. 1034)
4. 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 purposes of martial law. (Ref. Ord. 1034)
5. At the direction of the Council the Mayor shall study the operations of the City government and shall report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. (Ref. Ord. 1034)
6. In time of public danger or emergency the Mayor may take command of the police, maintain order and enforce the law. Council consent shall be obtained when practicable. (Ref. Ord. 1034)

Section 2.04. THE COUNCILMEMBER AT LARGE

1. The Councilmember at Large shall serve as the mayor pro tem in the temporary absence of the Mayor.
2. If the Mayor's term shall be declared vacant, the Councilmember at Large shall serve as the Mayor as required in Section 2.07.3.

Section 2.04~~05~~. WARD COUNCILMEMBERS.

1. The City is divided into three (3) separate election Wards designated as Ward 1, Ward 2, and Ward 3. (Ref. Ord. 1034)
2. A Ward Councilmember must be a resident of such ward. If the Ward Councilmember ceases to be a resident of the ward, then that office shall be declared vacant. However, a change in ward boundaries during the term of office shall not disqualify the Councilmember from completing the term. (Ref. Ord. 1034)
3. The boundaries of the three (3) wards shall be ~~redetermined~~ redistricted from time to time by ordinances duly adopted by the Council, and based on the findings of the Council that the wards so ~~redetermined~~ redistricted are such that the population of any ward shall not deviate by more than three percent (3%) from the average of the three (3) wards. (Ref. Ord. 1034)
4. After each decennial census of the United States, the Council shall ~~redetermine~~ redistrict ward boundaries when appropriate. This ~~redetermination~~ redistricting of ward boundaries shall be accomplished within the deadlines established by Minnesota law. If no deadlines are established by law, then redistricting must be completed no less than one hundred (100) days prior to the legally determined date of the municipal primary of the year ending in the digit two (2). If further redistricting is necessary, as determined by the Council, the adoption of the new boundaries shall be prohibited during the time period from ninety (90) days before a primary election up to and including the day of the general election in the same year. Any prohibitions stated in the Minnesota state statutes pertaining to the adoption of the new boundaries shall also apply. (Ref. Ord. 1034)

Section 2.05~~06~~. DISQUALIFICATION FOR APPOINTIVE OFFICE.

No incumbent member of the Council shall be appointed acting or permanent City Manager, nor shall any member hold any other paid municipal office or employment under the City; and no former member shall be appointed to any paid office or employment under the City until one (1) year after leaving office. (Ref. Ord. 1034)

Section 2.06 ~~06~~ 07. VACANCIES IN THE COUNCIL.

1. A vacancy in the council shall be deemed to exist:
 - in case of the failure of any elected person elected thereto to qualify on or before the date of the second regular meeting of the new council;
 - by reason of the death; resignation or removal from office;
 - continuous absence from the City for ~~more than~~ three (3) months;
 - failure to attend any council meetings for three (3) consecutive months;
 - conviction of a felony of any such person whether before or after their qualification; or
 - by ceasing to be a resident of the city or the ward from which elected.

In each such case, within thirty (30) days the council shall by resolution declare a vacancy to exist. (Ref. Ord. 1289)

2. If a vacancy is declared to exist, the Council shall, within 30 days, appoint by majority vote a qualified person to assume the office until the next general election. If the Council cannot agree on an appointment within the required timeframe, the Mayor shall appoint a qualified person to fill the position. The term of office to be filled at the next general election shall be for the unexpired portion of the term or for a full term depending on the timeframe when the vacancy has been declared to exist.
3. If the Mayor's position is declared vacant, the Councilmember-at-Large shall serve as Mayor until the end of the Mayor's term. The Councilmember at Large shall then be declared vacant and it shall be filled as defined in Section 2.06.2. of the City Charter. (Ref. Ord. 1289)
4. If at any time the membership of the Council is reduced to less than three (3) members, the City Manager shall order a special election to be held not less than thirty (30) days nor more than sixty-five (65) days from the time the multiple vacancies occurred. A period of eight (8) to twelve (12) consecutive working days shall be designated for the purpose of filing nomination petitions in accordance with Section 4.06. The winner(s) of the special election shall be by a plurality of votes cast for each office, regardless of the number of candidates and shall take office immediately upon certification by the board of canvass and shall fill the unexpired terms of said offices. (Ref. Ord 1989)
5. If the position of City Manager is vacant, the City Clerk shall order such an election. If the position of City Clerk is also vacant, the Chief Judge of District Court of the State of Minnesota within whose jurisdiction the corporate offices of the City of Fridley lie shall order such an election. (Ref. Ord. 1034)

Section 2.0708. SALARIES AND EXPENSES.

The Mayor and each Councilmember shall receive reasonable remuneration or salary, the annual amount and payment of which shall be prescribed by ordinance duly adopted on or before November 1st of the year preceding payment of the same. When authorized by the Council, its members shall be remunerated for their reasonable expenses incurred in connection with the City's business. The City Manager and all subordinate officers and employees of the City shall receive such reasonable compensation as may be fixed by the Council. (Ref. Ord. 1034)

2016 RESEARCH – CHATER SECTION 2.06 VACANCIES

ORIGINAL CHARTER LANGUAGE APPROVED BY THE VOTERS IN 1957

Section 2.05. VACANCIES IN THE COUNCIL.

A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, removal of a ward councilman from his ward, continuous absence from the city for more than three (3) months, or conviction of a felony, of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case, the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same until the next regular municipal election when the office shall be filled for unexpired term.

SPECIAL ELECTION MARCH 25, 1975 – AMENDMENT APPROVED BY THE VOTERS

Section 2.05. VACANCIES IN THE COUNCIL.

A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, removal of a ward councilman from his ward, continuous absence from the city for more than three (3) months, or conviction of a felony, of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case, the council shall by resolution declare such vacancy to exist and shall forthwith ~~appoint an eligible person to fill the same until the next regular municipal election when the office shall be filled for unexpired term~~ call a special election to be held not less than 45 days nor more than 60 days from the time such vacancy is declared. The winner of said election shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term.

ORDINANCE NO. 776 ADOPTED JUNE 20, 1983

Section 2.05. VACANCIES IN THE COUNCIL.

A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, removal of a ward councilman from his ward, continuous absence from the city for more than three (3) months, or conviction of a felony, of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three months. In each such case, the council shall by resolution declare such vacancy to exist and shall forthwith call a special election to be held not less than 45 days nor more than 60 days from the time such vacancy is declared. ~~The winner of said election shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term.~~ In the case of a Special Election to fill the vacancy, there shall be no primary election. The candidate receiving the largest number of votes shall be declared the

winner. The winner of said elections shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term. If at any time the membership of the Council is reduced to less than four (4) members, the remaining members may, by unanimous action, appoint additional members to raise the membership to four (4). The order of filling vacancies by appointment shall be as follows:

- (a) If the terms vacant are for different lengths, the appointment will be to the seat with the shortest remaining term.
- (b) If the terms vacant are of the same length, the council shall choose by lot which vacancy to fill by appointment.

ORDINANCE NO. 857 ADOPTED JUNE 16, 1986

Section 2.05. VACANCIES IN THE COUNCIL.

1. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, removal of a ward councilman from his ward, continuous absence from the city for more than three months, or conviction of a felony, of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three (3) months. In each such case, the council shall by resolution declare such vacancy to exist and shall forthwith call a special election to be held not less than 45 days nor more than 60 days from the time such vacancy is declared. In the case of a ~~S~~special ~~E~~election to fill the vacancy, there shall be no primary election. The candidate receiving the largest number of votes shall be declared the winner. The winner of said elections shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term.

2. If at any time the membership of the Council is reduced to less than four (4) members, the remaining members may, by unanimous action, appoint additional members to raise the membership to four (4). The order of filling vacancies by appointment shall be as follows:
 - A. If the terms vacant are for different lengths, the appointment will be to the seat with the shortest remaining term.
 - B. If the terms vacant are of the same length, the council shall choose by lot which vacancy to fill by appointment.

ORDINANCE NO 1034 ADOPTED AUGUST 1, 1994

Section 2.05. VACANCIES IN THE COUNCIL.

1. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, removal of a ward councilman from his ward, continuous absence from the city for more than three (3) months, or conviction of a felony, of any such person whether before or after his qualification, or by reason of the failure of any councilman without good cause to perform

any of the duties of membership in the council for a period of three (3) months. In each such case, within thirty (3) days the council shall by resolution declare such a vacancy to exist.

2. If a vacancy is declared to occur before filings for the next election of the office in question are closed, the Council and shall forthwith call a special election to be held not less than 45 thirty (30) days nor more than 60 sixty-five (65) days from the time such vacancy is declared. The Council shall designate period of eight (8) to twelve (12) consecutive working days for the purpose of filing nomination petitions in accordance with Section 4.06.
3. In the case of a special election to fill the vacancy, there shall be no primary election the procedure provided in Section 4.03, Primary Elections, and Section 4.04, Special Elections shall be followed except for the scheduling of election dates, which must be within the time frame specified here. The candidate receiving the largest number of votes shall be declared the winner. The winner of said elections shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term.
4. If the vacancy is declared to occur in the fourth year of the term of office after filings for the office in question are closed, but not before October 1, the Council shall appoint [within thirty (30) days of the vacancy declaration] by majority vote a qualified citizen who has not filed for any municipal office in the general election in question. The appointee shall assume the office immediately and complete the unexpired term.
5. If the vacancy is declared to occur on or after October 1 of the fourth year of the term, the winner of the general election shall be qualified and take office immediately. If the winner of the general election cannot take office due to reasons indicated in Section 2.06.01 above, the Council shall declare a vacancy and order a special election as provided for in Sections 2.06.02 and 2.06.03 above. The person so elected shall serve out any of the remainder of the unexpired term as well as the full four year term.
6. If the Mayor's position is declared vacant, the Councilmember-at-Large shall serve as Mayor until the vacancy is filled.
- ~~2-7.~~ If at any time the membership of the Council is reduced to less than ~~four (4)~~ three (3) members, the City Manager shall order a special election after the manner provided in Sections 2.06.02 and 2.06.03 above to bring the membership of the Council up to five (5). the remaining members may, by unanimous action, appoint additional members to raise the membership to four (4). The order of filling vacancies by appointment shall be as follows:
 - A. If the terms vacant are for different lengths, the appointment will be to the seat with the shortest remaining term.
 - B. If the terms vacant are of the same length, the council shall choose by lot which vacancy to fill by appointment.
8. If the position of City Manager is vacant, the City Clerk shall order such an election. If the position of the City Clerk is also vacant, the Chief Judge of District Court of the State of Minnesota within whose jurisdiction the corporate offices of the City of Fridley lie shall order such an election.

ORDINANCE NO. 1141 ADOPTED JUNE 26, 2000

Section 2.06. VACANCIES IN THE COUNCIL.

1. A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, ~~removal from the city, removal of a ward councilman from his ward,~~ continuous absence from the city for more than three (3) months, or conviction of a felony, of any such person whether before or after his qualification, or by ceasing to be a resident of the city or the ward from which elected. ~~or by reason of the failure of any councilman without good cause to perform any of the duties of membership in the council for a period of three (3) months.~~ In each such case, within thirty (3) days the council shall by resolution declare such a vacancy to exist.

ORDINANCE NO. 1289 ADOPTED FEBRUARY 13, 2012

Section 2.06. VACANCIES IN THE COUNCIL.

1. A vacancy in the council shall be deemed to exist in case of the failure of any elected person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, continuous absence from the City for more than three (3) months, failure to attend any council meetings for three (3) consecutive months, or conviction of a felony of any such person whether before or after their qualification; or by ceasing to be a resident of the city or the ward from which elected. In each such case, within thirty (30) days the council shall by resolution declare a vacancy to exist. (Ref. Ord. 1141)
2. If a vacancy is declared to exist, the Council shall, within 30 days, appoint by majority vote a qualified person to assume the office until the next general election. If the council cannot agree on an appointment within the required timeframe, the Mayor shall appoint a qualified person to fill the position. The term of office to be filled at the next general election shall be for the unexpired portion of the term or for a full term depending on the timeframe when the vacancy has been declared to exist. ~~to occur before filings for the next election of the office in question are closed, the Council shall call a special election to be held not less than thirty (30) days nor more than sixty five (65) days from the time such vacancy is declared. The Council shall designate a period of eight (8) to twelve (12) consecutive working days for the purpose of filing nomination petitions in accordance with Section 4.06. (Ref. Ord. 1034)~~
3. ~~In the case of a special election to fill the vacancy, the procedure provided in Section 4.03, Primary Elections, and Section 4.04, Special Elections, shall be followed except for the scheduling of election dates, which must be within the time frame specified here. The winner of said election shall be qualified and take office immediately upon certification by the board of canvass and shall fill the unexpired term. (Ref. Ord. 857, Ord. 1034)~~
4. ~~If the vacancy is declared to occur in the fourth year of the term of office after filings for the office in question are closed, but before October 1, the Council shall appoint [within thirty (30) days of the vacancy declaration] by majority vote a qualified citizen who has not filed for any municipal office in the general election in question. The appointee shall assume the office immediately and complete the unexpired term. (Ref. Ord. 1034)~~

- ~~5. — If the vacancy is declared to occur on or after October 1 of the fourth year of the term, the winner of the general election shall be qualified and take office immediately. If the winner of the general election cannot take office due to reasons indicated in Section 2.06.01 above, the Council shall declare a vacancy and order a special election as provided for in Sections 2.06.02 and 2.06.03 above. The person so elected shall serve out any of the remainder of the unexpired term as well as the full four year term. (Ref. Ord. 1034)~~
3. 6. If the Mayor's position is declared vacant, the Councilmember-at-Large shall serve as Mayor until the end of the Mayor's term ~~vacaney is filled~~. The Councilmember-at-Large shall then be declared vacant and it shall be filled as defined in Section 2.06.2 of the City Charter.
4. 7. If at any time the membership of the Council is reduced to less than three (3) members, the City Manager shall order a special election to be held not less than thirty (30) days nor more than sixty-five (65) days from the time the multiple vacancies occurred. A period of eight (8) to twelve (12) consecutive working days shall be designated for the purpose of filing nomination petitions in accordance with Section 4.06. The winner(s) of the special election shall be by a plurality of votes cast for each office, regardless of the number of candidates and shall take office immediately upon certification by the board of canvass and shall fill the unexpired terms of said offices. ~~after the manner provided in Sections 2.06.02 and 2.06.03 above to bring the membership of the Council up to five (5).~~ (Ref. Special Election 3/25/75; Ord. 776, Ord. 857, Ord. 1034)
5. 8. If the position of City Manager is vacant, the City Clerk shall order such an election. If the position of City Clerk is also vacant, the Chief Judge of District Court of the State of Minnesota within whose jurisdiction the corporate offices of the City of Fridley lie shall order such an election. (Ref. Ord. 1034)

Skogen, Deb

From: Pam Reynolds <fnpam@hotmail.com>
Sent: Tuesday, September 27, 2016 6:51 AM
To: Skogen, Deb
Subject: Oct. Charter meeting

Deb,
For the purpose of our continued discussion of Chapter could you please provide a list of the benefits available to Council based on treating them as employees for benefit purposes. Also helpful would be the verbiage that grants them these extra benefits and compensation.

Thanks,
Pam Reynolds

ORDINANCE NO. 920

AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER OF THE CITY OF FRIDLEY

The City of Council of the City of Fridley does hereby ordain as follows

The annual salaries for the Mayor and Councilmembers during 1990 and subsequent years shall be as follows

Mayor	\$8,000 00
Councilmember-at-Large	6,550 00
Councilmember, Ward I	5,850 00
Councilmember, Ward II	5,850 00
Councilmember, Ward III	5,850 00

In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley who are not covered by a labor agreement

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 27TH DAY OF FEBRUARY, 1989


WILLIAM J NEE MAYOR

ATTEST


SHIRLEY A HAAPALA - CITY CLERK

First Reading February 13, 1989
Second Reading February 27, 1989
Publication March 8, 1989

ORDINANCE NO. 1307

**AN ORDINANCE RECODIFYING THE FRIDLEY CITY CODE BY AMENDING
APPENDIX F TO PROVIDE FOR THE ADJUSTMENT OF SALARIES FOR THE MAYOR
AND COUNCILMEMBERS IN ACCORDANCE WITH SECTION 2.07 OF THE CHARTER
OF THE CITY OF FRIDLEY**

The City Council of the City of Fridley does hereby ordain as follows:

The annual salaries for the Mayor and Councilmembers during 2014 and subsequent years shall be as follows:

Mayor	\$10,688.53
Councilmember-at-Large	\$8,779.42
Councilmember, Ward I	\$7,761.85
Councilmember, Ward II	\$7,761.85
Councilmember, Ward III	\$7,761.85

In addition, the Mayor and Councilmembers shall be entitled to the same benefits enjoyed by full-time authorized employees of the City of Fridley.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FRIDLEY THIS 23RD
DAY OF SEPTEMBER, 2013.



SCOTT J. LUND - MAYOR

ATTEST:



DEBRA A. SKOGEN - CITY CLERK

First Reading: Sept. 9, 2013
Second Reading: Sept. 23, 2013
Publication: October 10, 2013

Skogen, Deb

From: Dahl, Deborah
Sent: Thursday, September 29, 2016 8:52 AM
To: Skogen, Deb
Subject: Council Benefits



Council are eligible for the same full-time benefit package as regular employees. They participate in: health, dental, life insurance, and PERA, and are covered under workers' compensation. The City makes contributions into Social Security (6.2%) and Medicare (1.45%) entitlements as well. They could participate in the flex plan (no city contribution), wellness program and tuition reimbursement but I'm not sure these have been used by Council.

FLEXIBLE BENEFIT PLAN

A Flexible Benefit Plan is available to full-time, authorized employees and part-time employees working at least 32 hours per week. Employees are allowed to choose one of three options when considering their benefit coverage:

Option 1	Option 2	Option 3
Health and Dental Package (3 plans to choose from)	Cash Option In-Lieu of Insurance Package	Annual Leave In-Lieu of Insurance Package
Rates Vary (see below)	\$476.77 per month or \$220.04 per pay period (this is considered taxable income)	10 days of Annual Leave (This amounts to 3.07 hours per pay period and prorated if starting mid-year)

HEALTH INSURANCE OPTIONS – THREE OPTIONS:

The City's health insurance provider is *Preferred One*. The City offers three products for employees. All plans offer the same provider network (PreferredOne Open Access Network 200), however, the benefit levels vary (see *Summary Plan Description*). Listed below is a summary of the premium costs and options:

(All rates are reported monthly and deducted over 24 pay periods)

Base Plan 80% / 20%	Base Plan Premium	City Contribution	Employee Monthly Cost**	Employee Per Pay Period Cost
Employee	\$808.46	\$739.88	\$68.58	\$34.29
Family	\$2,328.38	\$1,571.07	\$757.31	\$378.66

HRA/VEBA	Premium	City Contribution*	Employee Monthly Cost**	Employee Per Pay Period Cost
Employee	\$613.17	\$613.17	\$0.00	\$0.00
Family	\$1,765.95	\$1,459.07	\$306.88	\$153.44
*In addition to the premium contribution toward the HRA (Health Reimbursement Arrangement), the City will contribute \$100 per month into a savings account (VEBA) to be used for medical, dental or vision expenses. Expenses are required to be submitted to a third-party administrator for reimbursement.				
HSA	Premium	City Contribution*	Employee Monthly Cost**	Employee Per Pay Period Cost
Employee	\$578.85	578.85	\$0.00	\$0.00
Family	\$1,677.11	\$1,459.07	\$208.04	\$104.02
*In addition to these lower monthly premiums, the City will contribute \$100 per month into an H.S.A. account through US Bank to be used during employment or for future medical expenses, even beyond employment. This fund has the opportunity to interest and has no "use it or lose it" requirement and is portable beyond employment. There is a nominal monthly fee for the debit card automatically deducted out of the account.				

DENTAL INSURANCE

Delta Dental is the City's dental care provider. There are two options for dental care in an open access program, which allows the employee to choose between the DeltaPreferred Network of dentists and clinics for the greater discount, or the DeltaPremier Network, where the employee goes to a dentist or clinic of their choice not in the network.

Total Monthly Premium:

\$44.10	Individual
\$93.40	Individual plus one (1) dependent or spouse
\$132.60	Dependent coverage (two or more dependents)

The City of Fridley contributes \$25 per month per employee toward the monthly dental premium if the employee chooses the health/dental package. Employees who choose the Cash Option can still participate in the dental program, however, they will not receive the \$25 employer contribution.

LIFE INSURANCE

Regular full-time employees and part-time employees working at least 32 hours per week receive \$25,000 in basic term life insurance coverage on the first day of employment at no charge to the employee. Employees are eligible to purchase additional voluntary life insurance for themselves up to \$300,000.00 as well as voluntary insurance for spouses and dependents for an additional amount. Rates and forms are listed in the on-line enrollment system. Please note that any amounts requested above \$100,000.00 are not guaranteed issue and will require an additional health history questionnaire and an underwriting process. Any mid-year changes are not guaranteed and also require a health history questionnaire and underwriting process.

PERA

The Council are in the Defined Contribution Plan for Elected Officials which provide 5% employer contribution and the elected official contributes 5%.

If you need anything else, let me know.

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Deborah Dahl
Director of Human Resources
City of Fridley
6431 University Ave. NE
Fridley, MN 55432
Phone: 763-572-3507
Confidential Fax: 763-502-4971
e-mail: deborah.dahl@fridleymn.gov
Website: www.FridleyMN.gov

FRIDLEY CITY CHARTER
CHAPTER 7. TAXATION AND FINANCES.

Section 7.01. COUNCIL TO CONTROL FINANCES.

The 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. In the exercise of a sound discretion it shall make provisions for the payment of all liabilities and expenses. The Council shall establish the fiscal year for the City.

Section 7.02. POWER OF TAXATION.

1. The City shall have, in addition to the powers by this Charter expressly or impliedly granted, all the powers to raise money by taxation pursuant to the laws of the State which are applicable to cities of the class of which it may be a member from time to time, provided that the amount of taxes levied against real and personal property within the City for general City purposes shall not exceed in dollars, a tax levy that is greater than the prior year tax levy increased by an inflationary index, or 5%, whichever is less. Said inflationary index shall be that as defined by the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all Urban Consumers in the Minneapolis, St. Paul metropolitan area. (Ref. Ord. 592, 1102 and 11/7/00 Amendment)

Nothing in this provision shall be construed to impair any general obligation the City may have in support of otherwise lawful indebtedness or similar obligation supported by the full faith and credit of the City, provided, however, that long-term, general obligation indebtedness shall not be used for the purpose of funding the routine and daily business operations of the City. (Ref Ord 1152)

2. The City Council may also levy a tax against real and personal property within the City in addition to said limit as defined in paragraph 1 provided the Council shall:
 - A. Adopt a resolution declaring the necessity for an additional tax levy and specifying the purposes for which such additional tax levy is required.
 - B. Hold a public hearing pursuant to three (3) weeks' published notice in the official newspaper of the City setting forth the contents of the resolution described in Subdivision A.
 - C. Adopt after such public hearing a resolution by an affirmative vote of a least four (4) members of the Council which shall be presented as a clear and concise 'plain language' ballot question at the next regular municipal election. (Ref. Ord. 592, 1102 and 11/7/00 Amendment)
 - D. The additional tax levy shall take effect if 51% of the votes cast at said election are in favor of its adoption.

3. Any other fees created, or increased beyond the limits set forth in subsection 1, shall require voter approval as stipulated in subsection 2.
 - A. For the purposes of this subsection, "fees" includes sales and use taxes, recycling fees, gas and electric franchise fees and any other fee that produces a tax burden or direct financial obligation for all property owners and/or residents of Fridley. (Ref Ord 1152, **1244**)
 - B. For the purposes of this subsection, the term "fees" does not include: utility charges, Parks and Recreation Department participation fees, charges for photo-copying, sales of municipal liquor store products, or civil and criminal fines and other charges collected in cases of restitution or violation of law or contract. The term "fees" also does not include rental housing fees, building permit fees, liquor license fees, the extension or transfer of cable television service authority to additional service providers for which fees are already being charged, fees for the operation of junk yards, annual license fees for the operation of pawn shops and other regulated business, and any other charge for services, including health and safety related Code enforcement, and other goods, services or materials routinely provided by the City to its citizens or other members of the public which, by law, must be limited to the actual cost of the service being provided. The term "fees" shall not include any special assessments made under Minnesota Statutes Section 429. (Ref Ord 1152, **1244**)
 - C. For the purposes of this subsection, "fee increase" includes a new tax or fee, a monetary increase in an existing tax or fee, a tax or fee rate increase, an expansion in the legal definition of a tax or fee base, and an extension of an expiring tax or fee. (Ref Ord 1152)
 - D. For the purposes of this subsection, "city" includes the city itself and all its departments and agencies that are organized to exercise the "Powers of the City" as defined in Chapter 1 of this Charter. "City" shall not include any body of government owing its existence to separate constitutional or statutory authority outside of the Charter, regardless of whether that other body of government has jurisdiction or performs duties and services within the boundaries of the City. (Ref Ord 1152)
 - E. For the purpose of addressing natural disasters this subsection does not apply to any specific emergency measure authorized in Chapter 7, Section .08 (7.08). (Ref 11/7/00 Amendment)

Section 7.03. BOARD OF REVIEW.

The Council shall constitute a board of review and shall meet as such in the usual place for holding Council meetings to equalize the assessed valuations according to law, and a published notice of such meeting shall be given in the official newspaper of the City at least ten (10) days prior to the day of said meeting. (Ref. Special Election 4/12/60, Ord. 592)

Section 7.04. PREPARATION OF ANNUAL BUDGET.

1. The City Manager shall prepare the estimates for the annual budget which shall include any estimated deficit for the current year. The estimates of expenditures shall be submitted by each department to the City Manager. Each estimate shall be divided into three (3) major subdivisions as follows: (a) Salaries and Wages, (b) Ordinary Expenses, (c) Capital Outlay. Salary detail shall show a list of all salaried officers and positions with salary allowance and number of persons holding each. Wages shall be broken down in sufficient detail to justify the request. Ordinary expenses shall be broken down into such detail as the City Manager shall direct. Capital Outlay shall be itemized as to items and amounts. (Ref. Ord. 625)
2. In parallel columns shall be added the amounts expended under similar headings for the two (2) preceding fiscal years, and, as far as practicable, the amounts expended and estimated for expenditure during the current year. In addition to estimates of expenditures, the City Manager shall prepare a detailed statement of revenues collected for the two (2) preceding completed fiscal years with amounts estimated to be collected for the current fiscal year, and an estimate of revenues for the ensuing fiscal year. The estimates shall be submitted to the Council in accordance Minnesota State Law shall be published twice in summary in the official Publication prior to November 15. (Ref. Ord. 625, Ord. 946, Ord 1318)

Section 7.05. PASSAGE OF THE BUDGET.

The budget shall be a principal item of business at a regular meeting in September. The Council shall hold subsequent meetings from time to time until all the estimates have been considered. The meetings shall be so conducted as to give interested citizens a reasonable amount of time in which to be heard, and an opportunity to ask questions prior to passage of the final budget. The budget estimates shall be read in full and the City Manager shall explain the various items thereof as fully as may be deemed necessary by the Council. The annual budget finally agreed upon shall set forth in such detail as may be determined by the City Council, the complete financial plan of the City for the ensuing fiscal year, and shall be signed by the majority of the Council upon being adopted. It shall indicate the sums to be raised and from what sources, and the sums to be spent and for what purposes, according to the plan indicated in Section 7.04. The total sum appropriated shall not exceed the total estimated revenue. The Council shall adopt the budget by resolution in accordance with State Law. The resolution shall set forth the total of the budget and the totals of the major divisions of the budget, according to the plan indicated in Section 7.04. The budget resolution as adopted shall be published in the official publication. (Ref. Ord. 625, Ord. 946, Ord 1318)

Section 7.06. ENFORCEMENT OF THE BUDGET.

It shall be the duty of the City Manager to enforce strictly the provisions of the budget. The City Manager shall not approve any order upon the City Treasurer for any expenditure unless an appropriation has been made in the budget, nor for any expenditure covered by the budget unless there is sufficient unencumbered balance left after deducting the total past expenditures and the sum of all outstanding orders and encumbrances. No officer or employee of the City shall place any orders or make any purchases except for the purposes and to the amounts authorized in the budget. Any obligation incurred by any person in the employ of the City for any purpose not authorized in the budget or for any amount in excess of the amount therein authorized shall be a personal obligation upon the person incurring the expenditure. (Ref. Ord. 857)

Section 7.07. ALTERATIONS IN THE BUDGET.

After the budget shall have been duly adopted, the Council shall not have power to increase the amounts therein fixed, whether by the insertion of new items or otherwise, beyond the estimated revenues, unless the actual receipts shall exceed such estimates, and in that event, not beyond such actual receipts. The sums fixed in the budget shall be and become appropriated at the beginning of the fiscal year for the several purposes named therein, and no other. The Council may at any time, by resolution passed by a vote of at least four (4) members of the Council, reduce salaries or the sums appropriated for any purpose by the budget, or by vote of at least four (4) members of the Council authorize the transfer of sums from the unexpended balances of the budget to other purposes. (Ref. Ord. 946)

Section 7.08. EMERGENCY APPROPRIATION IN THE BUDGET.

1. The Council shall have power to establish an emergency appropriation as a part of the budget, but not to exceed ten percent (10%) of the total budget. Transfers from the emergency appropriation to any other appropriation shall be made only by a vote of at least four (4) members of the Council.
2. The sums transferred to the several departments or divisions shall be considered as a part of such appropriations and shall be used only for the purposes designated by the Council.

Section 7.09. LEVY AND COLLECTION OF TAXES.

In accordance with Minnesota State Law, the Council shall levy by resolution the taxes necessary to meet the requirements of the budget for the ensuing fiscal year. The City Clerk shall transmit to the county auditor annually, not later than the date required by Minnesota Law, a statement of all the taxes levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes. No tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in that case the surplus shall go into a suspense fund, and shall be used to reduce the levy for the ensuing year. (Ref. Ord. 625, Ord. 946)

Section 7.10. TAX SETTLEMENT WITH COUNTY.

The City Treasurer shall see to it that all moneys in the county treasury belonging to the City are promptly turned over to the City according to law.

Section 7.11. DISBURSEMENTS, HOW MADE.

All disbursements shall be made only upon the order of the City Manager and City Clerk, duly authorized by a resolution or motion of the Council, and every such order shall specify the purpose for which the disbursement is made, and indicate the fund out of which it is to be paid. Each such order shall be directed to the Treasurer, and the latter shall issue a check payable to the order of the person in whose favor the order was drawn. The Treasurer shall issue no check upon any City funds except upon such order. In the discretion of the Council the order and check may be a single instrument. No claim against the City shall be allowed unless accompanied by either an itemized bill, or a payroll, or time sheet, each of which shall be approved and signed by the responsible City officer who vouches for the correctness and reasonableness thereof. The Council may by ordinance make additional regulations for the safekeeping and disbursement of the City's funds. The Council may by resolution or motion provide for the regular payment without specific individual authorization by the Council of salaries and wages of regular employees, laborers, and fixed charges which have been previously duly and regularly incurred.

Section 7.12. FUNDS TO BE KEPT.

There shall be maintained in the City Treasury the following funds:

- A. A general fund for the payment of such expenses of the City as the Council may deem proper. Into this fund shall be paid all money not provided herein or by statute to be paid into any other fund.
- B. A debt service fund, into which shall be paid all receipts from taxes or other sources for the payment of principal and interest of all obligations issued by the City except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. Out of this fund shall be paid the principal and interest of such obligations when due. Any surplus in such fund not needed immediately for debt service may be invested under the direction of the Council in such securities as are authorized by statute for the investment of such funds and such investments may be liquidated at any time.
- C. A bond fund, into which shall be paid and disbursed the proceeds of all bonds issued by the City except bonds issued on account of any local improvement to be financed wholly or partly by special assessments and bonds issued on account of any municipally owned utility. A separate bond account shall be kept for each issue of such bonds.

- D. A special assessment fund, which shall be used to finance local improvements that are to be paid for, in whole or in part, from special assessments against benefited property. There shall be paid into this fund: (1) collections of special assessments, with interest, levied against benefited property; (2) proceeds of bonds or certificates of indebtedness sold by the City in anticipation of assessment collections and the proceeds of interfund loans; (3) amounts from other City funds representing either (a) apportionments of costs against the City at large, (b) benefit assessments against City property, or (c) appropriations to maintain the integrity of the fund. There shall be paid out of this fund: (1) all expenses and costs of the improvement projects that are financed through the fund; (2) the redemption of all special assessment fund bonds and certificates of indebtedness, with interest, at or before maturity, and any interfund loans; (3) transfers to the general fund of any unencumbered surplus of the fund, in the discretion of the Council; and (4) abatements of assessments and refunds of receipts in error. The Council shall maintain the integrity of this fund by appropriations from tax funds if necessary, and in addition may by ordinance create and maintain in the fund a cash reserve sufficient for working capital purposes. In order to anticipate the collection of special assessments the Council may by a majority vote issue and sell bonds and certificates of indebtedness, pledging the full faith and credit of the City, or pledging only special assessments, in such amounts and maturities as it may determine, regardless of the provisions of Section 7.16 of this Chapter; provided that the aggregate amount of such bonds and certificates outstanding at any time shall not exceed the sum of the following:
- (1) all assessments levied and uncollected; (2) assessable cost of work in progress; and (3) the cash reserve for working capital as previously determined by ordinance. In order that the fund may be administered on a self-sustaining basis, all improvement projects financed through it shall upon completion be certified by the City Manager as to total cost, which shall thereupon be apportioned by the Council either as assessments against benefited property or as amounts due from other City funds. Amounts apportioned against other City funds shall be due not later than the dates of adoption of the corresponding assessment rolls, shall be charged interest as in the case of assessments and shall be paid into the fund, with any interest due, not later than one (1) year after the due dates.
- E. A public utility fund into which shall be paid all money derived from the sale of bonds issued on account of any municipally owned utility and all money derived from the sale of utility services, and from the sale of any property acquired for or used in connection with any such utility. There shall be paid out of this fund the cost of the purchase, construction, operation, maintenance and repair of such utility, including the principal of and interest upon obligations which have been or shall be issued on its account. Separate accounts within the public utility fund shall be kept for all utilities which are operated separately.
- F. In addition to the foregoing funds, there may be maintained in the City Treasury, whenever the Council deems it advisable, the following funds:

1. A working capital or revolving fund, for financing self-sustaining activities not accounted for through other funds.
2. A trust and agency fund, for the care and disbursement of money received and held by the City as trustee or custodian or in the capacity of an agent for individuals or other governmental units.
3. Such other funds as may be required by statute or ordinance. In lieu of establishing any of the three (3) foregoing types of funds, Subsections 1, 2, and 3, the Council may provide for the recording of operations or activities for which the use of such funds might be suitable through the maintenance of separate accounts in any appropriate fund already established. The Council shall have full power to make by duly adopted ordinance such interfund loans, except from funds held under Subsection 2 hereof, as it may deem necessary and appropriate from time to time.

Section 7.13. RECEIPTS TO GO TO CITY TREASURER.

All receipts of money belonging to the City, or any branch thereof, excepting only those funds collected by the County Treasurer, shall be paid to the City Treasurer by the person authorized to receive the same. All such moneys, and also all moneys received upon tax settlements from the County Treasurer, shall be deposited as soon as possible in a bank or banks approved by the City Council, subject to state laws regulating the designation of depositories for municipal funds.

Section 7.14. ACCOUNTS AND REPORTS.

The City Manager shall be the Chief Accounting Officer of the City and of every branch thereof, and the Council may prescribe and enforce proper accounting methods, forms, blanks, and other devices consistent with the law, this Charter and the ordinances in accord with it. The City Manager shall submit to the Council a statement each month showing the amount of money in the custody of the City Treasurer, the status of all funds, the amount spent or chargeable against each of the annual budget allowances and the balances left in each and such other information relative to the finances of the City as the Council may require. The Council may at any time and shall annually provide for an audit of the City finances by a certified public accountant or by the department of the State authorized to make examination of the affairs of municipalities. On or before the first day of April in each year the City Manager shall prepare a complete financial statement in form approved by the Council of the City's financial operations for the preceding calendar year, and quarter, which statement may be published in such manner as the Council may direct and a summary thereof shall be published in the official newspaper on or before the third week in April, July, October and January as appropriate. (Ref. Ord. 625, Ord. 857)

Section 7.15. BONDED DEBT AND DEBT LIMIT.

1. In addition to all the powers in respect to borrowing and the issuance of bonds and other obligations for the payment of money specifically or impliedly granted by this Charter, and any amendments thereto, the City shall have all the powers in reference to these subject matters granted to cities of its same class by the laws of the State of Minnesota in force from time to time. The City shall have the power to issue and sell its bonds to the State of Minnesota and to comply with all provisions of law relative to loans to municipalities from the permanent State funds. The City shall also have such powers as are necessary to obtain loans or funds from the Government of the United States and any of its instrumentalities or from the State of Minnesota or any of its instrumentalities, and to comply with all provisions of law relative to obtaining such loans or funds.

2. The Council by a vote of at least four (4) of its members may authorize the issuance of the bonds to provide funds for any public purpose not prohibited by law, or may in its discretion, by a majority vote of all of its members submit to the electorate propositions for the issuance of such bonds. When such a proposition is submitted to the electorate, no bonds or other term obligations of the City may be issued except pursuant to a favorable vote of a majority of those voting on the proposition of their issuance. By the proceedings for the issuance of any bonds, by the terms of the bonds and by agreements with the purchasers of bonds, they may be made special in character and limited in their payment to earnings or to part earnings and part tax funds. To the extent that they are thus payable out of earnings or other than tax funds, such bonds shall not be paid out of taxes. The total bonded debt of the City at the time of the issuance of any bonds shall not exceed ten percent (10%) of the last assessed valuation of the taxable property therein, or the limit authorized by State law for cities of the same class, whichever is the greater, but in computing the total bonded debt, certificates of indebtedness, bonds, warrants or other obligations issued before or after adoption of this Charter shall not be included or counted if (1) held in a sinking fund maintained by the City; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned and operated by the City, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches, storm and sanitary sewers, or for the acquisition of lands for streets, parks, or other public improvements or for the improvement thereof, to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such improvements; or (3) issued for the creation of maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued. (Ref. Ord. 857)

Section 7.16. FORM AND REPAYMENT OF BONDS.

No bonds shall be issued to run for longer than the reasonable life expectancy of the property or improvement for which the bonds are authorized, as ascertained and set forth in the resolution authorizing such bonds, and in no case shall bonds be issued to run for more than thirty (30) years. The purposes for which bonds are authorized shall be set forth in the resolution authorizing them and the proceeds from such bonds shall not be diverted to any other purpose. It shall be the duty of the City Manager to include in the budget estimates each year a sum or sums amply sufficient to pay the principal of, and the interest on, any bonds which are to fall due in the coming fiscal year, and another sum sufficient to pay the interest for the same year on the Bonds which will be still outstanding. It shall be the duty of the Council, enforceable by mandamus upon the suit of any bondholder or taxpayer, to include such sum or sums as may be necessary for this purpose in the annual budget which it passes. (Ref. Ord. 857)

Section 7.17. DEBT AND TAX ANTICIPATION CERTIFICATES.

1. If in any year, the receipts from taxes or other sources should from some unforeseen cause become insufficient for the ordinary expenses of the City, as provided for in the budget, or if any calamity or other public emergency should subject the City to the necessity of making extraordinary expenditures, then the Council may authorize the sale by the City Treasurer of emergency debt certificates to run not to exceed eighteen (18) months and to bear interest at not more than allowable by State Statutes. A tax sufficient to redeem all such certificates at maturity shall be levied as part of the budget of the following year. The authorization of an issue of such emergency debt certificates shall take the form of an ordinance approved by at least four (4) of the members of the Council; the ordinance may, if deemed necessary, be passed as an emergency ordinance. (Ref. Ord. 592)
2. For the purpose of providing necessary moneys to meet authorized expenditures, the Council may issue certificates of indebtedness in any year prior to the receipt of taxes payable in such year, on such terms and conditions as it may determine, bearing interest at a rate not more than allowable by State Statutes; provided that such certificates outstanding at any one time shall not exceed forty percent (40%) of the tax levy payable in the current year belonging to the fund for the benefit of which the borrowing is authorized. (Ref. Ord. 592)

Section 7.18. BONDS OUTSIDE THE DEBT LIMIT.

Without limit as to amount, the Council may issue bonds for legal purposes outside of the debt limit: (a) for the creation and maintenance of a permanent improvement revolving fund, (b) for extending, enlarging, or improving water supply system, lighting and heat and power plants, or either, or other revenue-producing public utilities of whatever nature, owned and operated by the City, or of acquiring property needed in connection therewith, (c) for public improvements payable from special assessments. The Council may also purchase equipment for street department, water or sewer utility, or fire department use on conditional sale contracts, provided that the installment payments do not extend beyond the estimated useful life of the equipment so purchased.

FRIDLEY CITY CHARTER
CHAPTER 10. FRANCHISES AND PUBLIC UTILITIES

Section 10.01. DEFINITION OF FRANCHISES.

The word "franchise" as used in this Charter shall be construed to include all privileges granted to any person, firm, association or corporation in, over, upon or under any of the highways or public places of the City, whether such privileges have been or shall hereafter be granted either by the City or by the State of Minnesota.

Section 10.02. FRANCHISE ORDINANCES.

The Council may grant franchises by ordinance adopted by an affirmative vote of at least four (4) members of the Council, but in no case shall a franchise be granted by an emergency ordinance, nor within twenty (20) days after a public hearing thereon as provided for in Section 10.09, or later than sixty (60) days after such public hearing. Franchise rights shall always be subject to the superior right of the public to the use of streets and public places. All corporations, co-partnerships, persons or other entity desiring to make an especially burdensome use of the streets or public places inconsistent with the public's right in such places, or desiring the privilege of placing in, over, upon or under any street or public place any permanent or semi-permanent fixtures for the purpose of constructing or operating street or other railways, or for telephoning or telegraphing or transmitting electricity, or transporting by pneumatic tubes, or for furnishing to the City or its inhabitants or any portion thereof transportation facilities, water, light, heat, power, or any other public utility, or for any other purpose, may be required to obtain a franchise before proceeding to make such use of the streets or public places or before proceeding to place such fixtures in such places. Every ordinance granting or extending any franchise shall contain all the terms and conditions of the franchise. A franchise shall be without any validity whatever until it has been unconditionally accepted in all its terms, and such acceptance, properly executed by the grantee, has been filed with the City Clerk.

Section 10.03. COST OF PUBLICATION OF FRANCHISE.

The grantee shall bear the cost of publication of the franchise ordinances and shall deposit sufficient cash to guarantee the publication before the ordinance is passed.

Section 10.04. POWER OF REGULATION RESERVED.

The City shall have the right and power to regulate and control the exercise by a corporation, co-partnership, person or other entity, of any franchise, however acquired, and whether such franchise has been heretofore granted by the City of Fridley or by the State of Minnesota, or shall hereafter be granted by the City or by the State of Minnesota. (Ref. Ord. 592)

Section 10.05. RATES AND CHARGES.

Every public utility or franchisee making use of the streets or public places within the City shall give courteous, efficient and adequate service at reasonable rates. A reasonable rate shall be construed to be one which will, with efficient management, normally yield a fair return on all property used and useful in furnishing service to the City and its inhabitants. This shall not be construed as a guaranty of a return and in no case shall there be any return upon franchise value. Within these limits the determination of maximum rates, fares, or charges to be charged by any public utility or franchisee for service rendered to the City or any person, persons, firm or corporation within the City, shall be made, if possible, by direct negotiations between the public utility or franchisee and the Council. In case of failure to reach an agreement by this method within a reasonable time the Council may, in its discretion, agree to submit to arbitration on such terms as it may deem feasible or upon such terms as the franchise provides for, the fixing of rates, fares, or charges by the public utility or franchisee; provided, however, that the rates, fares, or charges so fixed by arbitration shall not be binding on the City for more than five (5) years. (Ref. Ord. 625)

Section 10.06. PROVISIONS OF FRANCHISES.

Every Franchise shall contain among other things, provisions, relating to the following:

1. The term of the franchise granted, which shall not exceed twenty-five (25) years.
2. Rates, fares and charges to be charged by the public utility or franchisee in compliance with the terms and provisions of Section 10.05.
3. The rights reserved to the City in connection with the erection of poles, masts or other fixtures in the streets or public places and the attachment of wires thereto, the laying of tracks in or of pipes or conduits under the streets or public places, and the placing in the

streets or other public places of any permanent or semi-permanent fixtures or equipment by the public utility or franchisee.

4. The prompt repair by the public utility or franchisee of all damages to the public streets, alleys and public property occasioned by the acts or omissions of the public utility or franchisee.
5. The rights of the City to have access to all books, records, and papers of the public utility or franchisee which in any way deal with, affect or record its operations within and pertaining to the City and pertaining to property and equipment used and useful in furnishing service to the City and its inhabitants.
6. The power and the right of the City to submit to arbitration the fixing of any rates, fares or charges to be made by the public utility or franchisee.
7. The right of the public utility or franchisee to receive upon condemnation proceedings brought by the City to acquire the public utility or franchisee compensation for its franchise or the value thereof, if any. (Ref. Ord. 625)

Section 10.07. FURTHER PROVISIONS OF FRANCHISES.

The enumeration and specification of particular matters which must be provided for in every franchise or renewal or extension thereof shall not be construed as impairing the right of the City to insert in any such franchise or renewal or extension thereof such other and further conditions and restrictions as the Council may deem proper to protect the City's interests, nor shall anything contained in this Charter limit any right or power possessed by the City over existing franchises.

Section 10.08. RENEWALS OR EXTENSION OF FRANCHISES.

Every extension, renewal or modification of any existing franchise or of any franchise granted hereunder shall be subject to the same limitations and granted in the same manner as a new franchise.

Section 10.09. PUBLIC HEARINGS.

Before any franchise ordinance is adopted or any rates, fares or charges to be charged by the public utility or franchisee are fixed, there shall be a public hearing by the Council in regard thereto. Notice of such public hearing shall be given by published notice at least once in the official newspaper not less than twenty (20) days prior to the date of such public hearing. Additional notice of such public hearing may be given in such manner as the Council shall determine. (Ref. Ord. 625)