



## CHARTER COMMISSION AGENDA

City of Brainerd, Minnesota  
City Hall, 501 Laurel Street, Council Chambers  
Wednesday, December 17, 2025 @ 4:30 PM

The public is invited to attend these meetings in person

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. **Call To Order**

2. **Roll Call**

\_\_\_J. Lambert \_\_\_J. Norwood \_\_\_A. Shipe \_\_\_K. Bevans

\_\_\_M. Angland \_\_\_M. Higgins \_\_\_D. Matten \_\_\_M. O'Day

3. **Pledge of Allegiance**

4. **Approval Of Agenda - Voice Vote**

5. **Unfinished Business**

A. **Discussion of Proposed Charter Language**

6. **New Business**

A. **Direct Administrator Broyles to Send Annual Letter to District Judge**

7. **Commission Member Reports**

8. **Adjourn**

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### MISSION

*"Provide high quality, cost effective public services and leadership in creating a sustainable city"*



# Charter Commission Agenda Request

**MEETING DATE:** December 17, 2025

**TITLE OF ITEM:** Proposed Charter Language

**AGENDA:**

**ACTION REQUESTED:** Discussion Item

**SUBMITTED BY:** Nick Broyles, City Administrator

**DEPARTMENT:** Administration

**PRESENTER:** Nick Broyles, City Administrator

**ESTIMATED TIME (MIN):** 45 minutes

**SUMMARY OF ISSUE:**

The charter commission asked staff to propose charter language changes by the end of the year. Staff have been meeting and are submitting the attached for your consideration and discussion.

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:**

The most significant changes.

1. PUC replaced with electric commission and a narrower scope (electric only).
2. All non-electric enterprises are under public works and the newly formed "public works commission."
3. All capital construction management initiatives under the "public works commission."

**RECOMMENDED ACTION/MOTION:**

Discussion on the proposed charter changes and direct staff to go back and rework areas and present again to the charter commission.

**FINANCIAL IMPACT:**

UNK

# **BRAINERD CITY CHARTER**

## **CHAPTER ONE**

### **NAME, BOUNDARIES, POWERS AND DIVISIONS**

All that district of country in the county of Crow Wing contained within the limits and boundaries as now are or hereafter may be established shall be a City by the name of "Brainerd," and all the people now inhabiting, and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Brainerd", and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey, all such real personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.

The City shall be divided into four wards in accordance with state law.

## **CHAPTER TWO**

### **OFFICERS AND ELECTIONS**

1. The elective officers of the City shall be a Mayor and seven City Council Members. Of the seven Council Members, three shall be elected at large and one from each ward. All elective officers shall be residents of the City of Brainerd and the four ward Council Members shall be residents of their respective wards.
2. When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted, and the returns made and results canvassed consistent with the general laws of the State of Minnesota pertaining to primaries. The regular City election for the election of City officers shall be held on the first Tuesday after the first Monday of November in each even numbered year; and all general laws of the State of Minnesota, relating to the election of City officers and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this Charter, and all special elections, and are hereby adopted as a part of this Charter, the same as if herein specifically reenacted. The judges, clerks and other officers of election at the then last general election for state officers shall be the judges, clerks and other officers of all special City elections, except that the City Council shall appoint additional officers as permitted by law. Election returns shall be made and results canvassed consistent with the general laws of the State of Minnesota pertaining to general elections.
3. The term of office of every officer elected under this Charter, unless otherwise provided for, shall commence on the first Monday of January following the election and shall continue for a term of four years and until his or her successor is elected and qualified.
4. The appointive officers of the City shall be a City Attorney, Public Utilities commission to consist of five (5) members, a Park and Recreation Board to consist of five (5) members, and a Library Board to consist of nine (9) members, and such other officers as the City Council deem proper and necessary. Provided, however, that no elective or appointive person holding office in the City of Brainerd may be appointed to the Public Utilities Commission.
5. At its first regular meeting in January of each odd-numbered year the Council shall, by majority vote, appoint the City Attorney. All terms shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified.
6. The members of the Public Utilities Commission, the Park and Recreation Board, and the Library Board shall be appointed by the Mayor and their appointment confirmed by the City Council: such appointments and confirmation shall be made at the first regular Council meeting in January of each year; at which time there shall be appointed one (1) member of the Public Utilities Commission, one (1) member of the Park and Recreation Board: and every other year and three (3) members of the Library Board. The term of office for a member

of the Library Board shall be for six (6) years, the term of office for a member of the Public Utilities Commission shall be for five (5) years, and the term of office for a member of the Park and Recreation Board shall be for five (5) years. Such terms of office shall commence upon their appointment and qualification and continue for said terms until their successors are appointed and qualified.

7. Any elective or appointive officer provided for by this Charter having entered upon the duties of the office may resign the same. Any elective or appointive officer changing residence from the City, or any Member from the ward for which elected or appointed shall be deemed to have vacated such office.
8. Every person appointed to any office by the City Council or Mayor may be removed from such office by a vote of two thirds of all the Members authorized to be elected. But any officer appointed by the Mayor shall not be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have reasonable opportunity to be heard in person, or by counsel in his or her defense.

The Council shall fix the time and place for the hearing of such officer, of which not less than ten days' notice shall be given to such officer and shall have the power to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall refuse or neglect to appear and answer such charges, the City Council may declare such office vacant. Among such causes shall be continued absence by a member of a board from three successive regular meetings of such board, or neglect of duty of any officer.

9. Any person shall not be eligible to serve on a Board or Commission of the City under this Charter who has ever been convicted of a felony, or is not at the time of his appointment a qualified elector of the City of Brainerd (unless otherwise expressly allowed by the City by ordinance, resolution or policy), or who is at such time interested in any contract with the City of Brainerd to which the person is a party, either individually or as a member of a firm, or as director or other managing officer of a corporation.
10. Whenever any vacancy shall occur in any elective or appointive office, such vacancy shall be filled by the City Council in the manner provided for appointments by the City Council; except that the members of the Public Utilities Commission, the Park Board, and the Library Board, shall be appointed by the Mayor and confirmed by the City Council.

All officers so appointed shall hold their respective offices for the balance of the unexpired terms.

11. Every person elected or appointed to any office under the provisions of this Charter shall before entering upon the duties of the office take and subscribe an oath of office and file the same with the City Clerk. The Administrator and such other officers as the City Council shall require and as shall be required by the provisions of this Charter, shall severally, before they enter upon the duties of their respective offices, execute to the City of Brainerd, bonds in

such amounts as the Council shall prescribe, conditioned that such officers will faithfully perform the duties of their respective offices, and account for and turn over all money and other property, coming into the officer's hands. Such bond and the expense thereof, if a surety bond, shall be paid by the City.

All official bonds shall be approved by the City Council and be kept on file in the office of the City Administrator.

12. The compensation of all elective and appointive officers of the City shall be fixed by ordinance as permitted by State Statute.
13. The Mayor shall be the chief executive of the City and see that the laws of the state and the ordinances of the City are duly observed and enforced within the City and that all other officers of the City discharge their duties. The Mayor shall be an ex-officio member of the City Council, for the purpose only of casting the deciding vote upon any question before said Council when the Council Members composing the said Council present and voting are equally divided thereupon. The Mayor shall from time to time give the City Council such information and recommend such measures as the Mayor deems to be in the best interest of the City. The Mayor shall sign all bonds, contracts, warrants, ordinances, resolutions and such other papers and documents as may be made or executed in behalf of the City. All Ordinances and Resolutions shall before they take effect be presented to the Mayor, and if the Mayor approves thereof shall sign the same, and such as the Mayor shall not sign, shall be returned to the Council with the Mayor's objection thereto, by depositing the same with the City Administrator to be presented to the City Council at its next meeting.

Upon the return of any ordinance or Resolution by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of all the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance or Resolution shall not be returned by the Mayor within five days, Sundays and holidays excepted, after it shall have been presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor. In case the Mayor shall be guilty of willful oppression, corrupt partiality or other malfeasance in the discharge of the duties of the office the Mayor shall be liable to indictment and on conviction thereof shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars.

14. At the first meeting in January of the City Council after the regular City election it shall proceed to elect by ballot from its members a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.

In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

15. The City Administrator shall be the chief administrative officer of the City of Brainerd. The Council shall delegate to the City Administrator by Ordinance whatever powers and duties it deems necessary or proper for the efficient administration of City affairs. Such delegation may include, but is not limited to, supervision of City employees and department heads. Provided, however, that the City Attorney shall be directly responsible to the Council and Mayor for professional advice and services. The Council may at any time rescind or amend authority delegated to the City Administrator. At no time shall such delegation abridge the authority of a Council Member or the Mayor or the Public Utilities Commission or any other board or commission enumerated in the Charter in fulfilling their duties granted in this charter.
16. Any elective officer, whether elected by popular vote or appointed to fill a vacancy, may be removed at any time for malfeasance or nonfeasance in office, by the electors qualified to vote for a successor of such officer. The procedure to affect a removal of such elective municipal officer shall be as follows:
  17. A petition signed by electors entitled to vote for a successor of the officer sought to be removed equal in number to at least twenty-five percent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding regular municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the Council and presented to the City Clerk; provided, that the petition shall contain a general statement of the ground for which the removal is sought.
  18. If the petition shall be found to be sufficient the Administrator shall transmit the same to the Council without delay. If the petition shall be found to be sufficient the City Council shall order and fix a date for holding the said election at the next election date authorized by state law that is not less than seventy-seven (77) days from the date of the Administrator's certificate to the Council that a sufficient petition is filed. The Council shall make or cause to be made publication of notice, and all arrangements for holding such election, provided, that in the published call for the election there shall be printed in not more than 200 words the reason for demanding the recall of the officer as set forth in the recall petition, and in not more than 200 words the officer may justify his or her course in office: and said election shall be conducted, returned, and the result thereof declared, in all respects, as are other City elections.
19. At an election on removal, the question on the ballot shall be in substantially the following form: "Shall ..... (Name) elected (appointed) to the office of ..... (title) be removed from that office?" If a majority of voters at the election vote in the affirmative, the officer shall be recalled and removed.

20. No person who has been removed from office by recall or has resigned from office after the filing of a recall petition, shall be appointed to any office under this Charter within one year after such removal or resignation.
21. In so far as practical, all laws and provisions for holding regular or special elections in the City shall apply to such recall election and the preliminaries thereto, and wherein applicable or impractical the Council shall by Ordinance provide such other and further regulation consistent herewith as may be necessary to carry out the provisions of Sections 16, 17, 18, 19, and 20.

#### DUTIES OF THE CITY ATTORNEY

22. The City Attorney shall perform all professional services incident to the office; shall attend all meetings of the City Council, and when requested shall attend all meetings of committees of the Council. The City Attorney shall give legal opinions and advice upon all questions pertaining to City business when requested so to do by the City Council or any officer of the City. The City Attorney shall institute, prosecute, and defend all actions brought by the City or against the City; and shall draw and prepare all ordinances, resolutions, contracts, bonds or other instruments in which the City or any board thereof is interested. The City Attorney shall be the legal advisor of the Public Utilities Commission, the Park Board, the Library Board, and the committees thereof; shall attend the meetings of the said boards when requested so to do and furnish to the said boards written legal opinions when requested, and shall institute, prosecute, and defend all actions which may be brought by or against said boards or by or against the City affecting the affairs of such boards.

The Council shall have power to appoint and employ special counsel to assist the City Attorney in the performance of any of the City Attorney's duties and fix and pay the compensation therefor.

#### DUTIES OF CITY OFFICERS

23. All City officers shall perform such other duties as may be directed by the City Council by Ordinances, Resolutions or otherwise.
24. No officer of the City shall retain any property, papers, books, and effects of any kind that belong to the City or pertain to the office after the expiration of the officer's term.
25. The Council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published Ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.
26. The City Council may also at the time mentioned in the last section and in the manner therein specified, let a contract for doing of the job printing of said City, and may determine

what contract and bond should be required of the person or persons selected to do such job printing.

27. Except as provided by state law, no City officer shall be directly or indirectly interested in any contract of any character with the City or any department or board thereof, either as vendor, purchaser, contractor, employer, employee or otherwise. All contracts made in violation of this section shall be void, and no money shall be paid on account thereof, or any warrants issued. Any officer who shall issue or pay any such warrants knowing that the same are in violation of the terms of this section shall be guilty of a misdemeanor; and any officer violating the provisions of this section shall forfeit the office and the office shall thereby become vacant upon a finding and conviction thereof, as provided in Section Ten of this Chapter.

#### DUTIES OF THE CITY COUNCIL

28. The Council Members shall constitute the City Council and shall be the governing body of the City, and the style of all Ordinances shall be, "The Council of the City of Brainerd do ordain". A majority of all the Council Members shall constitute a quorum. The President or Vice- President of the Council shall when present preside at all meetings. In their absence the Council may elect a President protem who shall for such meetings and the proceeding thereof have the same power as the President. 29. The City Council shall hold public meetings which shall not be less than one meeting per month. The meetings shall be fixed by the City Council. Minutes of the Council proceedings shall be made and be available to the public. The Mayor, the President or Vice-President of the Council or any two of the Council Members may call special meetings by notice filed with the City Administrator and served upon each of the members by delivering the same personally or left at the place of their usual abode, or a special meeting may be called by the Mayor, President, Vice-President, or President pro tem at any regular meeting of the City Council by giving notice thereof and noting the same in the minutes of the meeting. In case the attendance at any regular or special meeting of the City Council is less than a quorum such meeting may be adjourned to any time that may be designated and entered in the minutes of the meeting. Except in cases of emergency, the City Council shall not meet on a Sunday, a legal holiday, or a day of general or special election.
30. The City Council shall have the management and control of all the finances and property of the City and of all the departments thereof subject to the other provisions of this Charter. However, no real estate belonging to the City shall be sold or disposed of unless so ordered by two thirds vote of all the members of the City Council; and provided that neither the water works nor the electric light plant, nor any other public utility, which shall hereafter be owned by the city, shall be sold, leased, mortgaged, or otherwise disposed of unless authorized to do so by a four-sevenths majority of the qualified electors of said City.

The City Council shall in addition to the powers herein vested in them have power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend, and

repeal all such ordinances, resolutions, rules, by-laws and regulations for the government and good order of the City, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have the power to provide for the imprisonment and safe keeping of all persons arrested or charged with any offense.

The City Council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any Ordinance, Resolution, rule or By-law passed or ordained by them: and all such Ordinances, Resolutions, rules and By-laws are hereby declared to be and have the force of law, and for the said purposes shall have authority by Ordinance, Resolution or By-laws, to the extent permitted by law.

31. The Council of the City of Brainerd shall be authorized to exceed its overall levy limitations, by an amount not to exceed 3% of its previous year's total levy of the taxable property of the City of Brainerd prior to the time of such levy, which may be levied on the taxable property within its boundaries in addition to all other taxes voted by it. It shall be exempt from the statutory penalty provisions and shall also be over and above any limitations in the Charter of the City of Brainerd prior to the time of such levy. Such additional levies shall be used for the purpose of establishing and maintaining a public bus or transit facility or subsidizing a private bus or transit facility. In the next succeeding levy year and thereafter, such amounts shall become a permanent adjustment to the levy base per capita of the City of Brainerd. 32. The City Council may create an ordinance which may impose punishment for the breach of any Ordinance of the City to impose a fine and imprisonment as permitted by state law.

33. All Ordinances, Resolutions and By-Laws shall be passed by an affirmative vote of a majority of the members of the City Council present by an aye and nay vote.

All Ordinances shall be twice read at length in open Council before their passage unless the reading is dispensed with by unanimous consent: and no Ordinance shall be passed within ten (10) days after being first so read.

All Ordinances shall be once published in the official paper of the City, and no Ordinance shall take effect until one week after the day of such publication. All Resolutions and By-Laws shall take effect from and after their passage or adoption unless the City Council shall expressly order to the contrary; provided, however, that all Ordinances in relation to contagious or infectious disease or hydrophobia may be passed at the meeting of the first reading and take effect from and after their passage if the City Council so order.

34. A copy of the record of any Ordinance or Resolution heretofore passed or that may hereafter be passed, certified by the Administrator and verified by the seal of the City, or recorded in the books containing the official proceedings of said Council, or published in any compilation of Ordinances made under the direction of the City Council, shall be prima facie evidence of the contents of such Ordinance or Resolution and of the regularity and legality of

all proceedings relating to the adoption and approval thereof: and shall be admitted as evidence in any court in this state without further proof.

In all actions, prosecutions, and proceedings of every kind before a court, the court shall take judicial notice of all ordinances of said City, and it shall not be necessary to plead or prove such Ordinances.

35. The powers conferred upon the City Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.
36. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance or Resolution define the circumstances wherein such deferments may be made.
37. No appropriation shall be made without a vote of a majority of all the members of the City Council in its favor, which shall be taken by ayes and nays vote, and entered among the proceedings of the Council. No vote of the City Council shall be reconsidered or rescinded at any meeting unless there shall be present at such meeting as large a number of Council Members as were present when said vote was originally taken.
38. The City Council shall examine, audit, and adjust the accounts of the City at such times as it deems proper or as otherwise required by law.
39. The City Council shall have the power to make purchases on behalf of the City and may make purchases through such methods or designees as the Council may determine from time to time by Ordinance or Resolution. The provisions of this section shall not apply to purchases made by, or on behalf of the Public Utilities Commission or the Park Board or the departments under their control respectively.

## CHAPTER THREE

### FINANCES

1. The fiscal year of the City shall be the calendar year.
2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council
3. The City Council shall annually levy taxes to provide for the following specifically designated fund:
  - A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose.
4. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for an entity within the city limits of Brainerd to provide community action programs and events.
5. Before any bonds be issued, the City Council shall, at a regular meeting or at a special meeting called for the particular purpose, adopt appropriate resolutions by an affirmative vote of three- fourths of all its members ordering the issue, and every such resolution shall set forth the amount of the issue and the specific object thereof, be written at length in the records of the Council proceedings and be published and take effect in accordance with the provisions of Section 34 of the City Charter.
6. On or before the first day of September in every year, the President of the City Council, the Chairman of the Finance Committee of the Council and the City Administrator shall submit to the City Council an estimate of the probable expenditures of the City government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the City, and specifically showing the various amounts necessary for each and every fund, including an estimate of the total income from all sources of revenue other than taxes upon property, and the probable requisite amount to be levied and raised by taxation to defray all such expenses and liabilities of the City.
7. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of a program for the benefit of senior citizens or to a subsidized non-profit senior citizens organization within the city limits of Brainerd.

8. There shall be a levy of 1.5% of the previous year's total City levy an arboretum or green space organization within the city limits of Brainerd.

## **CHAPTER FOUR**

### **FIRE DEPARTMENT**

1. The City Council shall have power to purchase, keep and maintain fire extinguishers, fire engines and other fire apparatus, to build and maintain engine houses, hose houses and such other buildings as may be necessary or convenient, also to erect and maintain fire alarm telegraphs and boxes, and other means of giving notices of fires.
2. Whenever the City Council may decide by a two-thirds vote of all its members that greater protection can be secured by a paid fire department, it may by resolution duly passed, abolish the existing volunteer fire department and create in lieu thereof, a paid fire department, which shall be officered and managed as provided in the next section.
3. In the event of the creation of a paid department the City Council shall appoint a Fire Chief of said fire department and provide for such other officers and employees as may be deemed necessary for such department.
4. The Council shall have power and authority to make by Ordinance all needed rules for the government of the fire department and for the protection and use of all fire stations and other property and apparatus pertaining thereto.

**CHAPTER FIVE**  
**PUBLIC UTILITIES COMMISSION**

1. The Public Utilities Commission shall control, operate and manage the following utilities of the City:
  - a. Water works system, including the filtration plant, water towers and distribution system.
  - b. Wastewater system, including the wastewater treatment facility, force mains and lift stations, but not including the gravity fed wastewater collection system, which is operated by the Public Works Department.
  - c. Electric generation and distribution system.
  - d. Except as provided above, all other public utilities that are hereafter owned by the City.
2. Such Commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such Commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the Commission.
3. The Secretary of the Commission or his/her designee shall attend all meetings of the Commission and keep a record of all proceedings. The Secretary shall perform such other and further duties as may be prescribed or directed by said Commission.
4. The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment. Personnel for vacant positions may be recommended by the Commission to the City Council. All Commission personnel are subject to the City's personnel policies.
5. Subject to state law, the Commission shall have power to fix all rates to be paid by consumers of water, wastewater and power, and to make and enforce such rules, regulations and penalties as they may deem proper to affect such collections and to protect all property and rights pertaining to the said departments.
6. The Public Utilities Commission shall have power to institute, prosecute and defend, in the name of the City of Brainerd, all actions which they may deem proper to carry out and enforce their authority as such board; but no real estate or easement shall be acquired by purchase or condemnation proceedings.

No water or wastewater utility listed in Paragraph 1 may be extended beyond the existing service territories unless the City Council shall so order the same by a resolution passed by a

majority vote of all its members. With respect to water and wastewater utilities, the “service territories” are defined as those areas of the City served by existing mains and laterals. Service lines from mains and laterals to customer structures may be extended under the sole authority of the Public Utilities Commission.

The service territory for the electrical utility is established by the Minnesota Public Utilities Commission. Any extension of the electrical utility outside the service territory by contract with another utility shall be approved by the City Council. Any extension of the electrical utility within the service territory, or any contract with another utility to provide power within the Commission’s service territory, shall be approved by the Commission.

7. The Commission shall, at the first meeting of the City Council, in December of each year, present an operating budget for the following year as well as a five year capital improvement plan outlining anticipated future capital expenditures. The budget shall set forth all expenditures that can be anticipated for the operation of the Commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for the Commission to make such expenditures, subject to the provisions of this Charter. The Commission shall have the power to purchase and pay for all supplies necessary for the management of said business, when so approved by the City Council either as a part of said budget or by resolution of the City Council authorizing same, except that the Commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.
8. The Commission’s Finance Director shall keep a complete set of accounting records showing in detail all the business and financial affairs and transactions of the Commission and shall receive and safely keep all funds belonging to the Commission in a bank or depository designated by the City Council. All funds shall be deposited in the name of the Commission, and all investments shall be subject to state law and the City of Brainerd Investment Policy. The Commission shall make financial transfers to the City in amounts as specified in Brainerd Public Utilities Policy 2003-01, as amended and approved by the City Council.

## **CHAPTER SIX**

### **THE PARK AND RECREATION BOARD**

1. The Park and Recreation Board shall have control and supervision of all parks, parkways, and boulevards within the City, and also of such streets and other public grounds as the City Council shall by proper resolution designate. It shall also establish the recreation policy and conduct and supervise recreation areas, facilities, services, and programs for all types of public recreation. It shall have the authority to conduct activities and pay for the necessary supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the City of Brainerd, or on other properties with the consent of the owners or authorities who control the property. And it is made the duty of said Board to cause to be enforced all laws of the State and Ordinances and Resolutions of the City Council for the improvement, care and protection of the parks and other public property under its charge.
2. The said board shall organize by selecting a President and Vice-President from its members. A Clerk shall keep a full record of all proceedings of said board, and a Treasurer who shall keep books showing all monies received and disbursed and the management of the business committed to said board.
3. Said board shall have the power of coordination of services with other governmental programs, solicit and train volunteers, purchase supplies and equipment, develop and maintain facilities, procure, or lease public or private properties, areas or facilities that may be required for programs, provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the City Council. All expenditures shall be within the moneys appropriated by the City for such purposes, together with donations, gifts, bequests of any money, or any funds from earnings. All money received from donations, bequests or earnings shall be deposited in a special account managed by the board.
4. The board shall each year prior to September 1 prepare and present a budget for park and recreation purposes for the ensuing fiscal year; subject to the approval of the City Council.
5. The members of said board shall receive no compensation.

## **CHAPTER SEVEN**

### **PUBLIC LIBRARY BOARD**

1. The Library Board shall organize by appointing a President, Vice-President, and Secretary from their number; such board shall have charge and supervision of the public library; together with all library buildings, grounds and other property pertaining to the public library, and shall have power to make and enforce such rules and regulations, as it may deem proper for the care, use, preservation and protection of all property. The City Council may pass all proper Ordinances for the care, preservation and protection of library property and provide for and enforce penalties for violation thereof.
2. The Secretary of the Library Board shall keep books of account fully showing all moneys received and disbursed and the purposes therefor, and the exact condition of said fund, and shall annually on or before the first Council meeting in may make a statement fully showing all the receipts and disbursements of said fund for the last year and the exact condition, which report shall be in duplicate, one copy of which shall be preserved in that office and the other copy filed with the City Administrator.
3. The general laws of the state with respect to the establishment and maintaining of public libraries are hereby made a part of this Charter, except so far as the same herein changed or modified.

**CHAPTER EIGHT**  
**GENERAL PROVISIONS**

1. The City council may from time to time provide for the compilation and publication of the Ordinances of the City, and such resolutions as may be designated, and for the distribution or sale of copies of such compilation in its discretion and may also provide for exchange of such printed compilations for similar publications for other cities.
2. All actions brought to recover any penalty or forfeiture under this act or the ordinances, resolutions, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the City.
3. No penalty or judgment recovered in favor of the City shall be remitted or discharged, except by a vote of two-thirds of all the members of the City Council; but nothing in this section shall be so construed as to prohibit the judge of a court of jurisdiction from granting new trials or reversing any judgment rendered by the court according to the usual procedure of courts, nor to prohibit said court from suspending execution of sentence in its discretion.
4. No City officer, or employee of the City, shall sell, dispose of, or convert to the officer's own use, any City property in the officer's charge without special authority from the City Council.
5. That the Charter Commission of the City of Brainerd, as prescribed by state law, be composed of seven (7) members, each of whom shall be a qualified voter of the City of Brainerd.

Adopted by ordinance on October 3rd, 2022.

Ordinance published on October 8th, 2022.

Effective December 30th, 2022

# BRAINERD CITY CHARTER

## CHAPTER ONE

### NAME, BOUNDARIES, POWERS AND DIVISIONS

All that district of country in the county of Crow Wing contained within the limits and boundaries as now are or hereafter may be established shall be a City by the name of "Brainerd," and all the people now inhabiting, and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Brainerd", and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey, all such real personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.

The City shall be divided into four wards in accordance with state law.

Section 1. Name and Boundaries. The city of Brainerd, in the county of Crow Wing, in the state of Minnesota, is and shall continue to be a municipal corporation, under the name of "City of Brainerd," with the same boundaries as now or as hereafter may be established.

Section 2. Elected Officials and Wards. The elected officials of the city shall be one mayor and seven council members. Three of the council members shall be elected at large and one council member shall be elected from each of the four wards. All elected officials shall be residents of the city of Brainerd and the four ward council members shall be residents of their respective wards. The boundaries of said wards shall be as they now are or may hereafter be established. The terms of office for all elected officials shall be four years and until their successors are elected and qualified. The term of office of every official elected under this charter, unless otherwise provided for, shall commence on the first Monday of January following the election and shall continue for a term of four years and until their successor is elected and qualified.

Section 3. Change of Wards and Precincts. The city council shall have the power by ordinance to change the boundaries of such wards and precincts, and to change the number of precincts in a ward, but shall have no power to change the number of wards.

### CORPORATE POWERS, RIGHTS, & OBLIGATIONS

**Commented [KS1]:** Section was rewritten with more modern language. The "powers" verbiage was moved and more clearly defined in the Corporate Powers, Rights & Obligation Area.

**Section 4. Corporate Powers.** The city, by and in its corporate name, shall have perpetual existence; and, except as herein otherwise provided and except as prohibited by the constitution or statutes of the state of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this charter, also all powers, functions, rights, and privileges now or hereafter given or granted by the constitution and the laws of the state of Minnesota to municipal corporations having "home rule charters"; also all powers, functions, rights, and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree, also all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, and in addition it shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name, it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey all such real, personal, or mixed property, within or without its boundaries, as its purposes may require or as may be useful or beneficial to its inhabitants, and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable, and for all other legitimate purposes.

**Section 5. Subsisting Rights and Obligations.** The city shall be the legal successor of the city of Brainerd under its former charter, and shall be vested with all franchises, rights, and immunities formerly vested in said city, except as herein otherwise provided. All property and property rights and interests of every kind and nature, formerly vested in said city, or in any board or public official of the same, all taxes and assessments levied in its behalf, and all rights, penalties or forfeitures, accrued or accruing, are vested in and possessed by the city under this charter, and all previously existing indebtedness, obligations, and liabilities of said city, or any department thereof, no matter in what form or how incurred, together with all interest accrued or to accrue thereon, are assumed by the city. Any subsisting right, lien, or demand against the city, or any pending action or proceeding to enforce the same, shall not be prejudiced or affected in any way by this charter. All ordinances, resolutions, rules, and regulations of the city in force when this charter or amendments to the charter take effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect unless and until amended or repealed. All contracts entered by the city or for its benefit, prior to the taking effect of this charter or amendments to this charter, shall continue in full force and effect. All public work begun prior to it taking effect shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws or charter provisions, existing at the time this charter or amendments to this charter take effect, may be carried to completion in accordance with such existing laws and charter provisions.

**Section 6. Charter Construction.** The provisions of this charter shall be construed liberally in favor of the city, to the end that the city may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state of Minnesota. The specific mention of municipal powers in other sections of the charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned. All powers of the city, whether express or implied, shall be exercised in the

manner prescribed by this charter, or, if not prescribed therein, then in the manner determined by the city council.

## **FORM OF GOVERNMENT**

**Section 7. Boards, Commissions, and Departments.** In addition to the elective officials of the city, there shall be four entities granted specific authority pursuant to this charter. They are the (1) electric commission, (2) public works commission, (3) parks and recreation board, and (4) library board. All other boards, commissions, and departments shall operate pursuant to existing ordinances. The duties, powers, and form of organization of which shall be as defined herein. The city council may create and establish additional offices, departments, boards, or commissions, consistent with the general purposes of this charter. The city council may, from time to time, modify or eliminate departments, commissions, or offices established by it.

**Section 8. Division of Duties - City Council, Boards, and Commissions.** Each board and commission shall exercise necessary actions for sustaining current infrastructure, planning for future growth, and managing their governmental and/or proprietary funds in an efficient and fiscally responsible manner, as further set forth below, subject to the city council's general powers provided in this charter and under state law, including the hiring, promotion, and discipline of all employees pursuant to current employee policies and signed collective bargaining agreements.

**Section 9. Appointed Offices.** The appointive officials of the city shall be a city administrator, a city attorney, five electric commissioners, two public works commissioners, five parks and recreation board members, five library board members, and such other officials as may be required under this charter or Minnesota statutes, or as deemed necessary and appropriate by the city council. All terms for members of boards and commissions shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified. The compensation of all elective and appointive officials of the City shall be fixed by ordinance as permitted by State Statute.

**Section 10. Incompatible Offices.** Neither the mayor, any council member, an electric commissioner, nor a public works commissioner, shall hold any paid municipal office or employment under the city.

**Section 11. Combining Offices.** Any two or more of the offices created under this charter, and made appointed by the city council, may, on the discretion of the council, be filled by one and the same person. Additional functions and duties may be assigned by the city council to departments, commissions, boards, and offices established by this charter.

**Section 12. Functions of the Council.** All powers of the city, both legislative and administrative, unless otherwise delegated by the provisions of this charter, shall vest in and be exercised by the city council, and Minnesota state statutes. Except as otherwise specifically provided in this charter, the council shall have complete control over all municipal services, but it shall exercise

**Commented [KS2]:** This area was added to try to clarify roles of Council versus Boards and Commissions.

**Commented [TG3]:** CONTINUE TO REVIEW Too long of a sentence CH

that control through a city administrator to be appointed by said council and shall not itself perform any such service.

**Section 13. Duties and Powers of the Mayor.** The mayor shall be an ex-officio member of the city council, for the purpose only of casting the deciding vote upon any question before said council when the council members composing the said council present and voting are equally divided thereupon. The mayor shall from time to time give the city council such information and recommend such measures as the mayor deems to be in the best interest of the city. The mayor shall sign all bonds, contracts, warrants, ordinances, resolutions and such other papers and documents as may be made or executed on behalf of the city, except as delegated by the city council. All ordinances and resolutions shall before they take effect be presented to the mayor, and if the mayor approves thereof shall sign the same, and such as the mayor shall not sign, shall be returned to the council with the mayor's objection thereto, by depositing the same with the city administrator to be presented to the city council at its next meeting. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same notwithstanding the objections of the mayor, and if upon such vote the city council shall pass the same by a vote of two-thirds of all the members of the council, it shall have the same effect as if approved by the mayor. If any ordinance or resolution shall not be returned by the mayor within five days, Sundays and holidays excepted, after it shall have been presented to the mayor, the same shall have the same force and effect as if approved by the mayor. In case the mayor shall be guilty of willful oppression, corrupt partiality or other malfeasance in the discharge of the duties of the office the mayor shall be liable to indictment and on conviction thereof.

Commented [TG4]: Moved from 13 in its entirety

**Section 14. Elective or Appointed Office Vacancies - How Created.** A vacancy in any elective or appointive office created under this charter shall be deemed to exist for any of the following reasons: (1) the death, resignation, removal, or recall of the incumbent, (2) a change of an elected official's residence to a location outside the ward represented by the official, or from the city, (3) the conviction of an official while in office of any crime greater than a misdemeanor or of any offense involving a violation of the obligations of the office, (4) the failure of an official to take the oath of office, (5) the decision of a competent tribunal declaring an election or appointment void, or (6) the death of a person before taking the office to which the person was elected or appointed, in which case the vacancy shall be deemed to take place at the time when the person's term of office would have begun.

**Section xx. Resignation.** Any elective or appointive officer provided for by this Charter having entered upon the duties of the office may resign the same. Any elective or appointive officer changing residence from the City, or any Member from the ward for which elected or appointed shall be deemed to have vacated such office.

Commented [TG5]: Moved from Elections

**Section 15. Removals.** Every person elected or appointed to office under this charter shall be subject to removal by a five-seventh vote of the council. However, no such official shall be removed except for cause, and unless furnished with a written statement of the charges against

them, and an opportunity to be heard in person or by counsel. The council shall fix the time and place for a hearing on such charges, of which not less than ten days' notice shall be given to the official to be removed and shall have power to arrange the mode of hearing, to compel the attendance of witnesses and the production of documentary evidence, to administer oaths, and to hear testimony and arguments.

**Section xx. Elective or Appointed Officials Vacancies- How Filled.** Whenever any vacancy occur in any elective or appointive office, such vacancy shall be filled by the City Council in the manner provided for appointments by the City Council. All officers so appointed shall hold their respective offices for the balance of the unexpired terms.

Any person shall not be eligible to serve on a Board or Commission of the City under this Charter who has ever been convicted of a felony, or is not at the time of his appointment a qualified elector of the City of Brainerd (unless otherwise expressly allowed by the City by ordinance, resolution or policy), or who is at such time interested in any contract with the City of Brainerd to which the person is a party, either individually or as a member of a firm, or as director or other managing officer of a corporation.

**Section 16. Oaths of Office.** Every person elected or appointed to a council, board, or commission under this charter shall, before entering upon the performance of the duties of the office, take and subscribe an oath of office, in the form prescribed by Minnesota statutes, and shall cause the same to be filed with the city administrator.

**Section 17. Conflicts of Interest.** A conflict of interest is present when an elected or appointed official, in the discharge of their official duties, would be required to take an action or decide regarding a matter in which the official has a personal financial interest, or is otherwise so personally interested in such matter that the official cannot act in the public interest. For purposes of this section, a personal financial interest is any interest which shall yield, directly or indirectly, a material monetary or other benefit to the official, excluding such circumstances when the official's financial interest is no greater than that of another member of the official's business classification, profession, or occupation. Any elected or appointed official, or city staff who has a conflict of interest on a matter shall ~~refrain~~abstain from voting or otherwise participating in any actions or decisions regarding such matter. In such cases, a public disclosure shall be made as follows, (1) in the case of the mayor or any council member, the interested official shall declare a conflict and a notation regarding such conflict of interest shall be entered in the city council minutes; (2) in the case of an appointive official, the interested official shall declare a conflict and a notation regarding such conflict of interest shall be entered in the minutes of such commission or board relating to such matter. In the case of a sale, lease or contract in which an elected or appointed official with authority to take part in any manner in the making of the transaction has a personal financial interest, neither the city council nor any commission or board of the city hall approve such transaction except as allowed by law. Any official who shall issue or pay any such warrants knowing that the same are in violation of the terms of this section shall be guilty of a misdemeanor; and any official violating the provisions of this section shall forfeit

the office and the office shall thereby become vacant upon a finding and conviction thereof, as provided pursuant to this charter.

**Commented [TG6]:** Moved from section 44 and removed the rest of section.

**Section 18. Primary Elections.** When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted, and the returns made and results canvassed consistent with the general laws of the State of Minnesota pertaining to primaries. The regular City election for the election of City officers shall be held on the first Tuesday after the first Monday of November in each even numbered year; and all general laws of the State of Minnesota, relating to the election of City officers and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this Charter, and all special elections, and are hereby adopted as a part of this Charter, the same as if herein specifically reenacted. The judges, clerks and other officers of election at the then last general election for state officers shall be the judges, clerks and other officers of all special City elections, except that the City Council shall appoint additional officers as permitted by law. Election returns shall be made and results canvassed consistent with the general laws of the State of Minnesota pertaining to general elections.

## CHAPTER TWO OFFICERS AND ELECTIONS

**Commented [TG7]:** Delete elections section as all sections have been moved

1. The elective officers of the City shall be a Mayor and seven City Council Members. Of the seven Council Members, three shall be elected at large and one from each ward. All elective officers shall be residents of the City of Brainerd and the four ward Council Members shall be residents of their respective wards.

**Commented [KS8]:** This was moved to new Name, Boundaries Area - specifically Section 2.

~~2. **Section 18. Primary Elections.** When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted, and the returns made and results canvassed consistent with the general laws of the State of Minnesota pertaining to primaries. The regular City election for the election of City officers shall be held on the first Tuesday after the first Monday of November in each even numbered year; and all general laws of the State of Minnesota, relating to the election of City officers and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this Charter, and all special elections, and are hereby adopted as a part of this Charter, the same as if herein specifically reenacted. The judges, clerks and other officers of election at the then last general election for state officers shall be the judges, clerks and other officers of all special City elections, except that the City Council shall appoint additional officers as permitted by law. Election returns shall be made and results canvassed consistent with the general laws of the State of Minnesota pertaining to general elections.~~

**Commented [TG9]:** Moved to form of government in its entirety and delete section

3. The term of office of every officer elected under this Charter, unless otherwise provided for, shall commence on the first Monday of January following the election and shall continue for a term of four years and until his or her successor is elected and qualified.

**Commented [KS10]:** Moved to Section 2 - Elected Officials and Wards.

4. The appointive officers of the City shall be a City Attorney, Public Utilities commission to consist of five (5) members, a Park and Recreation Board to consist of five (5) members, and a Library Board to consist of nine (9) members, and such other officers as the City Council deem proper and necessary. Provided, however, that no elective or appointive person holding office in the City of Brainerd may be appointed to the Public Utilities Commission.

**Commented [TG11]:** Amended and moved to Appointed officers

5. At its first regular meeting in January of each odd-numbered year the Council shall, by majority vote, appoint the City Attorney. All terms shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified.

**Commented [TG12]:** Removed appointment of the City Attorney

6. The members of the Public Utilities Commission, the Park and Recreation Board, and the Library Board shall be appointed by the Mayor and their appointment confirmed by the City Council: such appointments and confirmation shall be made at the first regular Council meeting in January of each year; at which time there shall be appointed one (1) member of the Public Utilities Commission, one (1) member of the Park and Recreation Board; and every other year and three (3) members of the Library Board. The term of office for a member of the Library Board shall be for six (6) years, the term of office for a member of the Public Utilities Commission shall be for five (5) years, and the term of office for a member of the Park and Recreation Board shall be for five (5) years. Such terms of office shall commence upon their appointment and qualification and continue for said terms until their successors are appointed and qualified.

**Commented [TG13]:** Removed section, updated appointments in form of government

7. Any elective or appointive officer provided for by this Charter having entered upon the duties of the office may resign the same. Any elective or appointive officer changing residence from the City, or any Member from the ward for which elected or appointed shall be deemed to have vacated such office.

**Commented [TG14]:** Moved to form of government.

8. Every person appointed to any office by the City Council or Mayor may be removed from such office by a vote of two thirds of all the Members authorized to be elected. But any officer appointed by the Mayor shall not be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have reasonable opportunity to be heard in person, or by counsel in his or her defense.

The Council shall fix the time and place for the hearing of such officer, of which not less than ten days' notice shall be given to such officer and shall have the power to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall refuse or neglect to appear and answer such charges, the City Council may declare such office vacant. Among such causes shall be continued absence by a member of a board from three successive regular meetings of such board, or neglect of duty of any officer.

**Commented [TG15]:** Amended and moved to form of government

9. Any person shall not be eligible to serve on a Board or Commission of the City under this Charter who has ever been convicted of a felony, or is not at the time of his appointment a qualified elector of the City of Brainerd (unless otherwise expressly allowed by the City by ordinance, resolution or policy), or who is at such time interested in any contract with the City of Brainerd to which the person is a party, either individually or as a member of a firm, or as director or other managing officer of a corporation.

10. Whenever any vacancy shall occur in any elective or appointive office, such vacancy shall be filled by the City Council in the manner provided for appointments by the City Council; except that the members of the Public Utilities Commission, the Park Board, and the Library Board, shall be appointed by the Mayor and confirmed by the City Council.

All officers so appointed shall hold their respective offices for the balance of the unexpired terms.

11. Every person elected or appointed to any office under the provisions of this Charter shall before entering upon the duties of the office take and subscribe an oath of office and file the same with the City Clerk. The Administrator and such other officers as the City Council shall require and as shall be required by the provisions of this Charter, shall severally, before they enter upon the duties of their respective offices, execute to the City of Brainerd, bonds in such amounts as the Council shall prescribe, conditioned that such officers will faithfully perform the duties of their respective offices, and account for and turn over all money and other property, coming into the officer's hands. Such bond and the expense thereof, if a surety bond, shall be paid by the City.

All official bonds shall be approved by the City Council and be kept on file in the office of the City Administrator.

12. The compensation of all elective and appointive officers of the City shall be fixed by ordinance as permitted by State Statute.

13. The Mayor shall be the chief executive of the City and see that the laws of the state and the ordinances of the City are duly observed and enforced within the City and that all other officers of the City discharge their duties. The Mayor shall be an ex-officio member of the City Council, for the purpose only of casting the deciding vote upon any question before said Council when the Council Members composing the said Council present and voting are equally divided thereupon. The Mayor shall from time to time give the City Council such information and recommend such measures as the Mayor deems to be in the best interest of the City. The Mayor shall sign all bonds, contracts, warrants, ordinances, resolutions and such other papers and documents as may be made or executed in behalf of the City. All Ordinances and Resolutions shall before they take effect be presented to the Mayor, and if the Mayor approves thereof shall sign the same, and such as the Mayor shall not sign, shall be returned to the Council with the Mayor's objection thereto, by depositing the same with the City Administrator to be presented to the City Council at its next meeting.

**Commented [TG16]:** Amended and moved to Form of Government How vacancies are filled.

**Commented [TG17]:** Moved to Form of Government

**Commented [TG18]:** Moved to Form of Government

Upon the return of any ordinance or Resolution by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of all the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance or Resolution shall not be returned by the Mayor within five days, Sundays and holidays excepted, after it shall have been presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor. In case the Mayor shall be guilty of willful oppression, corrupt partiality or other malfeasance in the discharge of the duties of the office the Mayor shall be liable to indictment and on conviction thereof shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars.

### **DUTIES AND PROCEDURES OF THE CITY COUNCIL**

**Section xx. Organization.** A majority of all the Council Members shall constitute a quorum. The President or Vice- President of the Council shall when present preside at all meetings. In their absence the Council may elect a President pro tem who shall for such meetings and the proceeding thereof have the same power as the President.

**Section xx. Short title.** The City Council shall have the management and control of all the finances and property of the City and of all the departments thereof subject to the other provisions of this Charter. However, no real estate belonging to the City shall be sold or disposed of unless so ordered by two thirds vote of all the members of the City Council; and provided that neither the water works nor the electric light plant, nor any other public utility, which shall hereafter be owned by the city, shall be sold, leased, mortgaged, or otherwise disposed of unless authorized to do so by a four-sevenths majority of the qualified electors of said City. The City Council shall in addition to the powers herein vested in them have power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend, and repeal all such ordinances, resolutions, rules, and regulations for the government and good order of the City, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have the power to provide for the imprisonment and safe keeping of all persons arrested or charged with any offense. The City Council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any Ordinance or Resolution passed or ordained by them: and all such Ordinances or Resolutions are hereby declared to be and have the force of law, and for the said purposes shall have authority by Ordinance or Resolution to the extent permitted by law. The City Council may create an ordinance which may impose punishment for the breach of any ordinance of the city of impose a fine and imprisonment as permitted by state law.

**Commented [TG19]:** CONTINUE TO REVIEW  
Does this need to be updated?? Per CH- do they have this power?

**Commented [TG20]:** Moved from original Charter Section 30. Removed by-laws as it is language we do not use for the City Council.

**Commented [TG21]:** Moved from section 32 of original charter

### **Council Procedure**

**Section xx. Rules of Procedure and Quorum.** The council shall determine its own rules and order of business and shall keep minutes of its proceedings. A majority of city council members

shall constitute a quorum for the transaction of business, but a lesser number may adjourn a meeting.

14. **Section xx. Organization.** At the first meeting in January of the City Council after the regular City election it shall proceed to elect ~~by ballot~~ from its members a President and Vice-President ~~as outlined in the Rules of Decorum~~. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor. In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

**Section xx. Meetings of the City Council.** The City Council shall hold public meetings which shall not be less than one meeting per month as outlined in the Rules of Decorum. The meetings shall be fixed by the City Council. Minutes of the Council proceedings shall be made and be available to the public. The Mayor, the President or Vice-President of the Council or any two of the Council Members may call special meetings by notice filed with the City Administrator and served upon each of the members. A special meeting may be called by the Mayor, President, Vice-President, or President pro tem at any regular meeting of the City Council by giving notice thereof and noting the same in the minutes of the meeting. In case the attendance at any regular or special meeting of the City Council is less than a quorum such meeting may be adjourned to any time that may be designated and entered in the minutes of the meeting. Except in cases of emergency, the City Council shall not meet on a Sunday, a legal holiday, or a day of general or special election.

15. ~~The City Administrator shall be the chief administrative officer of the City of Brainerd. The Council shall delegate to the City Administrator by Ordinance whatever powers and duties it deems necessary or proper for the efficient administration of City affairs. Such delegation may include, but is not limited to, supervision of City employees and department heads. Provided, however, that the City Attorney shall be directly responsible to the Council and Mayor for professional advice and services. The Council may at any time rescind or amend authority delegated to the City Administrator. At no time shall such delegation abridge the authority of a Council Member or the Mayor or the Public Utilities Commission or any other board or commission enumerated in the Charter in fulfilling their duties granted in this charter.~~

16. Any elective officer, whether elected by popular vote or appointed to fill a vacancy, may be removed at any time for malfeasance or nonfeasance in office, by the electors qualified to vote for a successor of such officer. The procedure to affect a removal of such elective municipal officer shall be as follows:

17. A petition signed by electors entitled to vote for a successor of the officer sought to be removed equal in number to at least twenty-five percent of the entire vote for all candidates

**Commented [TG22]:** Moved from Section 28 of original charter. Added language regarding rules of decorum

**Commented [TG23]:** Delete section and rewrite with changes.

for the office, the incumbent of which is sought to be removed, cast at the last preceding regular municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the Council and presented to the City Clerk; provided, that the petition shall contain a general statement of the ground for which the removal is sought. 18. If the petition shall be found to be sufficient the Administrator shall transmit the same to the Council without delay. If the petition shall be found to be sufficient the City Council shall order and fix a date for holding the said election at the next election date authorized by state law that is not less than seventy-seven (77) days from the date of the Administrator's certificate to the Council that a sufficient petition is filed. The Council shall make or cause to be made publication of notice, and all arrangements for holding such election, provided, that in the published call for the election there shall be printed in not more than 200 words the reason for demanding the recall of the officer as set forth in the recall petition, and in not more than 200 words the officer may justify his or her course in office: and said election shall be conducted, returned, and the result thereof declared, in all respects, as are other City elections.

19. At an election on removal, the question on the ballot shall be in substantially the following form: "Shall ..... (Name) elected (appointed) to the office of ..... (title) be removed from that office?" If a majority of voters at the election vote in the affirmative, the officer shall be recalled and removed.

20. No person who has been removed from office by recall or has resigned from office after the filing of a recall petition, shall be appointed to any office under this Charter within one year after such removal or resignation.

21. In so far as practical, all laws and provisions for holding regular or special elections in the City shall apply to such recall election and the preliminaries thereto, and wherein applicable or impractical the Council shall by Ordinance provide such other and further regulation consistent herewith as may be necessary to carry out the provisions of Sections 16, 17, 18, 19, and 20.

#### DUTIES OF THE CITY ATTORNEY

22. The City Attorney shall perform all professional services incident to the office; shall attend all meetings of the City Council, and when requested shall attend all meetings of committees of the Council. The City Attorney shall give legal opinions and advice upon all questions pertaining to City business when requested so to do by the City Council or any officer of the City. The City Attorney shall institute, prosecute, and defend all actions brought by the City or against the City; and shall draw and prepare all ordinances, resolutions, contracts, bonds or other instruments in which the City or any board thereof is interested. The City Attorney shall be the legal advisor of the Public Utilities Commission, the Park Board, the Library Board, and the committees thereof; shall attend the meetings of the said boards when requested so to do and furnish to the said boards written legal opinions when requested, and shall institute,

**Commented [TG24]:** Covered by statute and removal provided for in the Form of Government section

prosecute, and defend all actions which may be brought by or against said boards or by or against the City affecting the affairs of such boards.

The Council shall have power to appoint and employ special counsel to assist the City Attorney in the performance of any of the City Attorney's duties and fix and pay the compensation therefor.

### DUTIES OF CITY OFFICERS

23. All City officers shall perform such other duties as may be directed by the City Council by Ordinances, Resolutions or otherwise.

24. No officer of the City shall retain any property, papers, books, and effects of any kind that belong to the City or pertain to the office after the expiration of the officer's term.

25. The Council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published Ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

26. The City Council may also at the time mentioned in the last section and in the manner therein specified, let a contract for doing of the job printing of said City, and may determine what contract and bond should be required of the person or persons selected to do such job printing.

27. Except as provided by state law, no City officer shall be directly or indirectly interested in any contract of any character with the City or any department or board thereof, either as vendor, purchaser, contractor, employer, employee or otherwise. All contracts made in violation of this section shall be void, and no money shall be paid on account thereof, or any warrants issued. Any officer who shall issue or pay any such warrants knowing that the same are in violation of the terms of this section shall be guilty of a misdemeanor; and any officer violating the provisions of this section shall forfeit the office and the office shall thereby become vacant upon a finding and conviction thereof, as provided in Section Ten of this Chapter.

### DUTIES OF THE CITY COUNCIL

28. The Council Members shall constitute the City Council and shall be the governing body of the City, and the style of all Ordinances shall be, "The Council of the City of Brainerd do ordain". A majority of all the Council Members shall constitute a quorum. The President or Vice-President of the Council shall when present preside at all meetings. In their absence the Council may elect a President protem who shall for such meetings and the proceeding thereof have the same power as the President. 29. The City Council shall hold public meetings which shall not be less than one meeting per month. The meetings shall be fixed by the City Council. Minutes of the Council proceedings shall be made and be available to the

**Commented [TG25]:** Remove covered in City Attorney contract

**Commented [TG26]:** Move section in its entirety to duties of City Officials

**Commented [TG27]:** Statute- Remove

**Commented [TG28]:** Remove sections

**Commented [TG29]:** Amended and moved to Duties and Procedures of the Council

public. The Mayor, the President or Vice-President of the Council or any two of the Council Members may call special meetings by notice filed with the City Administrator and served upon each of the members by delivering the same personally or left at the place of their usual abode, or a special meeting may be called by the Mayor, President, Vice-President, or President pro tem at any regular meeting of the City Council by giving notice thereof and noting the same in the minutes of the meeting. In case the attendance at any regular or special meeting of the City Council is less than a quorum such meeting may be adjourned to any time that may be designated and entered in the minutes of the meeting. Except in cases of emergency, the City Council shall not meet on a Sunday, a legal holiday, or a day of general or special election.

30. The City Council shall have the management and control of all the finances and property of the City and of all the departments thereof subject to the other provisions of this Charter. However, no real estate belonging to the City shall be sold or disposed of unless so ordered by two thirds vote of all the members of the City Council; and provided that neither the water works nor the electric light plant, nor any other public utility, which shall hereafter be owned by the city, shall be sold, leased, mortgaged, or otherwise disposed of unless authorized to do so by a four-sevenths majority of the qualified electors of said City.

The City Council shall in addition to the powers herein vested in them have power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend, and repeal all such ordinances, resolutions, rules, by-laws and regulations for the government and good order of the City, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have the power to provide for the imprisonment and safe-keeping of all persons arrested or charged with any offense.

The City Council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any Ordinance, Resolution, rule or By-law passed or ordained by them: and all such Ordinances, Resolutions, rules and By-laws are hereby declared to be and have the force of law, and for the said purposes shall have authority by Ordinance, Resolution or By-laws, to the extent permitted by law.

31. The Council of the City of Brainerd shall be authorized to exceed its overall levy limitations, by an amount not to exceed 3% of its previous year's total levy of the taxable property of the City of Brainerd prior to the time of such levy, which may be levied on the taxable property within its boundaries in addition to all other taxes voted by it. It shall be exempt from the statutory penalty provisions and shall also be over and above any limitations in the Charter of the City of Brainerd prior to the time of such levy. Such additional levies shall be used for the purpose of establishing and maintaining a public bus or transit facility or subsidizing a private bus or transit facility. In the next succeeding levy year and thereafter, such amounts shall become a permanent adjustment to the levy base per capita of the City of Brainerd. 32. The

**Commented [TG30]:** Removed method of delivery and moved section to Duties and Procedures of City Council

**Commented [TG31]:** Moved to Duties of City Council

**Commented [TG32]:** Moved to Financial management section with edits.

City Council may create an ordinance which may impose punishment for the breach of any Ordinance of the City to impose a fine and imprisonment as permitted by state law.

**Commented [TG33]:** Moved to Duties of City Council

33. All **Section xx. Ordinances, and Resolutions, and By-Laws** Except as otherwise required by this charter or state law all ordinances and resolutions shall be passed via roll call by an affirmative vote of a majority of the members of the City Council present by an aye and nay vote, and the vote of each Council Member shall be recorded in the minutes. Every ordinance and resolution enacted or adopted by the council shall be signed by the president and the mayor, attested by the city administrator, and shall be filed with the city administrator immediately after its passage. Every resolution shall be presented in writing before a vote is taken thereon.

All Ordinances shall be twice read at length in open Council before their passage unless the reading is dispensed with by unanimous consent: and no Ordinance shall be passed within ten (10) days after being first so read.

All Ordinances shall be once published in the official paper of the City, and no Ordinance shall take effect until one week after the day of such publication. All Resolutions and By-Laws shall take effect from and after their passage or adoption unless the City Council shall expressly order to the contrary; provided, however, that all Ordinances in relation to contagious or infectious disease or hydrophobia may be passed at the meeting of the first reading and take effect from and after their passage if the City Council so order.

34. A copy of the record of any Ordinance or Resolution heretofore passed or that may hereafter be passed, certified by the Administrator and verified by the seal of the City, or recorded in the books containing the official proceedings of said Council, or published in any compilation of Ordinances made under the direction of the City Council, shall be prima facie evidence of the contents of such Ordinance or Resolution and of the regularity and legality of all proceedings relating to the adoption and approval thereof: and shall be admitted as evidence in any court in this state without further proof.

In all actions, prosecutions, and proceedings of every kind before a court, the court shall take judicial notice of all ordinances of said City, and it shall not be necessary to plead or prove such Ordinances.

**Commented [TG34]:** Removed original charter language and updated language below.

**Section xx. Procedure on Ordinances.** The enacting clause of all ordinances passed by the council shall be in the words: "Be it Ordained by the City Council of the City of Brainerd". Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances and ordinances changing the zoning map, shall be considered by the city council at two meetings, and not voted on until the second meeting. At least three 10 calendar days shall elapse between the first and second consideration of the ordinance.

**Section xx. Emergency Ordinances.** An emergency ordinance is an ordinance for the immediate preservation of the public peace, health, or safety, in which the emergency is defined or declared in a preamble thereto, separately voted upon, and agreed to by at least

three members of the council, as recorded by ayes and nays. May be passed at the first meeting ...current language

**Section xx. Signing and Approval.** Every ordinance or resolution enacted or adopted by the council shall be presented by the city administrator to the mayor for approval or disapproval within two business days after its passage. The mayor shall, within five business days after passage by the council, indicate in writing either approval or disapproval of the ordinance or resolution, and return such ordinance or resolution, together with reasons for disapproval, if any, to the city administrator. Upon the return of any such ordinance or resolution that is disapproved by the mayor, the measure shall be returned to the council for reconsideration, and if upon such reconsideration it is approved by the council by a five-seventh vote of its membership, the measure shall take effect as if approved by the mayor. If an ordinance or resolution is not returned by the mayor within five business days after passage by the city council, it shall take effect as if approved by the mayor. Reference section 13 for duplication

**Section xx. Publication of Ordinance.** Except as provided hereafter, every adopted ordinance shall be published at least once in the official paper of the city within fifteen days after such approval. In the case of lengthy ordinances or ordinances including charts or maps, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by resolution, direct that only the title of the ordinance and a summary be published, with notice that a digital copy of the complete ordinance is available for inspection during regular office hours at the office of the city administrator. Every adopted ordinance shall be recorded by the city administrator in a record kept for that purpose, and the affidavit of publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication thereof, or a certified copy thereof, shall be deemed sufficient evidence of such adoption and publication.

**Section xx. When Ordinances and Resolutions Take Effect.** Emergency ordinances shall take effect immediately upon their passage and approval. All other ordinances shall be once published in the official paper of the city and take effect upon publication., and no ordinance shall take effect until one week after the day of such publication. All other resolutions and bylaws shall take effect from and after their passage or adoption unless the city council expressly orders to the contrary.

35. The powers conferred upon the City Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.

Commented [TG35]: CONTINUE REVIEW

36. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance or Resolution define the circumstances wherein such deferments may be made.

Commented [TG36]: Covered by statute 429

37. No appropriation shall be made without a vote of a majority of all the members of the City Council in its favor, which shall be taken by ayes and nays vote, and entered among the proceedings of the Council. No vote of the City Council shall be reconsidered or rescinded at any meeting unless there shall be present at such meeting as large a number of Council Members as were present when said vote was originally taken.

**Commented [TG37]:** CONTINUE REVIEW

38. The City Council shall examine, audit, and adjust the accounts of the City at such times as it deems proper or as otherwise required by law.

**Commented [TG38]:** Accounted for in other places.

39. The City Council shall have the power to make purchases on behalf of the City and may make purchases through such methods or designees as the Council may determine from time to time by Ordinance or Resolution. The provisions of this section shall not apply to purchases made by, or on behalf of the Public Utilities Commission or the Park Board or the departments under their control respectively.

**Commented [TG39]:** Addressed in the Electric Commission, Park Board, and Public Works Commission Sections

## DUTIES OF CITY OFFICIALS

**Section xx. Duties of City Officials.** All City officials shall perform such other duties as may be directed by the City Council by Ordinances, Resolutions or otherwise. No official of the City shall retain any property, papers, books, and effects of any kind that belong to the City or pertain to the office after the expiration of the official's term.

**Commented [TG40]:** Moved from Section 15 original charter in its entirety. Changing officers to officials

### City Administrator

**Section 45. City Administrator - Powers and Duties.** The city administrator shall be appointed by the city council for an indefinite period and may be removed by the council in accordance with the terms of a valid employment contract, if any, or as an at-will employee in the absence of a valid employment contract. In the event of the removal or resignation of the city administrator, the council shall immediately take steps to appoint a successor. The city administrator shall be the chief administrative official of the city and shall supervise and direct the administration of the city's affairs except as otherwise provided in this charter and shall be responsible to the city council for the faithful discharge of duties. Such delegation may include, but is not limited to, supervision of city employees and department heads. Provided, however, that the city attorney shall be directly responsible to the council and mayor for professional advice and services. At no time shall such delegation abridge the authority of a council member, or the mayor, or any other board or commission enumerated in the charter in fulfilling their duties granted in this charter. The council may at any time rescind or amend authority delegated to the city administrator. The city administrator shall be subject to all the provisions of this charter, and to such rules and regulations consistent therewith as may from time to time be adopted by the city council. During the absence or disability of the city administrator, the duties of that office shall be performed by a qualified person.

**Section 47. Powers and Duties of the City Administrator.** The city administrator shall have the following powers and duties:

\_\_\_\_\_ (1) attend all meetings of all boards and commissions as necessary, with the right to take part in discussions, but without a vote.

\_\_\_\_\_ (2) perform such other duties as may be prescribed by this charter or required or authorized by the city council, not inconsistent with the provisions hereof.

\_\_\_\_\_ (3) exercise administrative control over all city departments and divisions now in existence or which may be hereafter created by the city council and all boards and commissions.

### CHAPTER THREE

#### FINANCES

##### Financial Management

~~1. **Section xx. Fiscal Year.** The fiscal year of the City shall be the calendar year from January 1- December 31.~~

~~2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council~~

~~3. The City Council shall annually levy taxes to provide for the following specifically designated fund:~~

~~A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose.~~

~~4. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for an entity within the city limits of Brainerd to provide community action programs and events.~~

~~5. Before any bonds be issued, the City Council shall, at a regular meeting or at a special meeting called for the particular purpose, adopt appropriate resolutions by an affirmative vote of three-fourths of all its members ordering the issue, and every such resolution shall set forth the amount of the issue and the specific object thereof, be written at length in the records of the Council proceedings and be published and take effect in accordance with the provisions of Section 34 of the City Charter.~~

**Section xx. Finances - Council to Control Finances.** Except as otherwise provided herein, 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

**Commented [TG41]:** Replace with updated language below

safekeeping and disbursement of public money, and shall make provisions for the payment of all liabilities and expenses, all subject to the provisions of this charter.

**Section xx. Funds - Division Thereof.** All city money shall be accounted in accordance with generally accepted accounting principles for units of local government.

**Section xx. Application of Moneys to Particular Funds.** All taxes and money received or appropriated for any particular fund shall be paid into and credited to such funds; and all taxes and money received by the city, not appropriated or otherwise payable to any particular fund, shall be credited to the general fund.

**Section xx. Special Levies.** The city council shall annually levy taxes to provide for the following specifically designated funds and purposes.

- (1) A permanent improvement fund, for paying such portion of the cost of improving streets. For the support of this fund, the city council shall annually levy on taxable property of the city to an amount not to exceed 9% of the city's previous year's total levy. These funds shall be thereby transferred to the capital improvement fund.
- (2) The city shall levy 1.5% of the previous year's total city levy for each of the following purposes
  - a. to provide community action programs and events;
  - b. for the establishment and maintenance of programs benefitting senior citizens or for support to a subsidized non-profit senior citizens organization; and
  - c. for the support of an arboretum or green space organization.
- (3) The city council may levy for transit operations. The levy for the purpose of public transportations, may not exceed 3% of the previous year's total city levy.

~~6-~~**Section xx. The Budget- Preparation of Annual Budget.** On or before the first day of September in every year, the President of the City Council, the Chairman of the Finance Committee of the Council and the City Administrator shall submit to the City Council an estimate of the probable expenditures of the City government for the ensuing fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the City, and specifically showing the various amounts necessary for each and every fund, including an estimate of the total income from all sources of revenue other than taxes upon property, and the probable requisite amount to be levied and raised by taxation to defray all such expenses and liabilities of the City.

**Section 54. Orders - How Signed.** Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the mayor and countersigned by the city administrator.

7. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of a program for the benefit of senior citizens or to a subsidized non-profit senior citizens organization within the city limits of Brainerd.

8. There shall be a levy of 1.5% of the previous year's total City levy an arboretum or green space organization within the city limits of Brainerd.

Commented [TG42]: Addressed above

## CHAPTER FOUR

### FIRE DEPARTMENT

1. The City Council shall have power to purchase, keep and maintain fire extinguishers, fire engines and other fire apparatus, to build and maintain engine houses, hose houses and such other buildings as may be necessary or convenient, also to erect and maintain fire alarm telegraphs and boxes, and other means of giving notices of fires.

2. Whenever the City Council may decide by a two-thirds vote of all its members that greater protection can be secured by a paid fire department, it may by resolution duly passed, abolish the existing volunteer fire department and create in lieu thereof, a paid fire department, which shall be officered and managed as provided in the next section.

3. In the event of the creation of a paid department the City Council shall appoint a Fire Chief of said fire department and provide for such other officers and employees as may be deemed necessary for such department.

4. The Council shall have power and authority to make by Ordinance all needed rules for the government of the fire department and for the protection and use of all fire stations and other property and apparatus pertaining thereto.

Commented [TG43]: Does not need to be included in the City Charter jL

## CHAPTER FIVE

### PUBLIC UTILITIES COMMISSION

#### Electric Commission

**Section xx. Electric Commission.** There is hereby created and established in the city of Brainerd an electric commission which shall meet monthly.

**Section xx. Appointment and Confirmation of Electric Commissioners.** The commission shall consist of five members, each of whom shall be a resident of the city of Brainerd or a business owner within the service territory. They shall be appointed by the mayor and confirmed by the city council. The term of office for each commissioner shall be four years, commencing on the date of the commission's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member

may serve on the commission. Appointments to fill vacancies shall be subject to confirmation by the city council and they will serve for the duration of the unexpired term.

**Section xx. Electric Commission Officers.** At the regular meeting in January of each even-numbered year, the electric commission shall elect from its membership a president and a vice-president, who shall hold office for two years and until their successors are elected. Such other officer as the commission may deem necessary or proper shall be appointed from time to time, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the commission.

**Section XX. Orders - How Signed.** Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the City Administrator and countersigned by the Finance officer designated by Commission.

**Section 68. Removal of Citizen Public Works Commissioners.** Any citizen member of the commission may be removed by a five-seventh vote of the city council, but no such member shall be removed except for cause and until the commissioner has been provided with a written statement of the charges against them and has had a reasonable opportunity to respond.

**Section 69. Powers and Duties of the Public Works Commission.** Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the City Administrator and countersigned by the Finance officer designated by Commission.

**Section 69. Powers and Duties of the Public Works Commission.** The operations and management of the public works commission shall be subject to the review of the city council. The commission shall have the following powers and duties: Jessie and Paul

- (1) operate and maintain all water, wastewater and stormwater treatment and conveyance systems, and execute necessary actions for sustainment of current infrastructure, planning for future growth, economic management, and fiscal responsibility thereof.
- (2) oversee all city capital construction project management initiatives including but not limited to improvements made to streets, alleys, sidewalks, trails, and other public ways, excluding properties dedicated to the parks and recreation board and library board.
- (3) keep the same in repair, and to make necessary replacements, extensions, improvements, changes, and additions thereto; upon completion of such replacements, extensions, improvements, changes, or additions, the commission shall have management thereof, including power to operate the same.
- (4) fix and determine the rates and charges to be made for said utilities, and other services furnished by said utility, and to collect the same and all other earnings and

**Commented [TG44]:** CONTINUE REVIEW- Joe please verify this language is within statutory authority

revenues of said utility; provided, however, that whenever any new schedule of rates is adopted for any enterprise, or any change or alteration is made in the existing schedules, affecting either a part or all of the patrons of such utility, the commission shall cause publication of such new schedule, or such change or alteration, to be made in the official newspaper of the city.

- (5) prescribe the time and manner in which payment for all such service shall be made, and to provide for the discontinuance or termination of such service in case of non-payment, and in its discretion to require payment in advance for any or all of such service.
- (6) make and enforce rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utility, and to prescribe penalties for the violation thereof. All current rules, resolutions, and regulations shall remain in full force and effect until repealed, altered, or amended by the commission.
- (7) prescribe the form of books of account to be kept by the commission, provided that such methods conform to generally accepted accounting principles for units of local government.
- (8) keep all funds belonging to the commission in a bank or depository designated by the city council.
- (9) the commission shall have the right to the reasonable use of the streets, alleys, and other public grounds of the city for the purpose of maintaining and operating such utilities and repairing the same, or making any extensions, improvements, changes, or additions thereto; but whenever the surface of any street, alley, or public ground is disturbed, the commission shall cause the same to be promptly restored, as nearly as may be, to its original condition.
- (10) make, perform, and enforce contracts not subject to levying of special assessments pursuant to Minnesota Statute 429 in the name and on behalf of the city, and to do any and all other things that may be necessary or proper to carry out the purposes expressed herein. The City Council shall make, perform, and enforce contracts subject to the levying of special assessments pursuant to Minnesota Statute 429.
- (11) the city council shall employ all necessary help for the public works commission to properly perform its duties and approve all terms and conditions of employment.
- (12) recommend personnel for vacant positions to the city council.
- (12) all city employees are subject to city personnel policies.
- (14) the commission shall, at the first meeting of the city council in December of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.

(15) the commission will perform any additional powers and duties as directed by the city council.

1. The Public Utilities Commission shall control, operate and manage the following utilities of the City:

a. Water works system, including the filtration plant, water towers and distribution system.

b. Wastewater system, including the wastewater treatment facility, force mains and lift stations, but not including the gravity fed wastewater collection system, which is operated by the Public Works Department.

c. Electric generation and distribution system.

d. Except as provided above, all other public utilities that are hereafter owned by the City.

2. Such Commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such Commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the Commission.

3. The Secretary of the Commission or his/her designee shall attend all meetings of the Commission and keep a record of all proceedings. The Secretary shall perform such other and further duties as may be prescribed or directed by said Commission.

4. The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment. Personnel for vacant positions may be recommended by the Commission to the City Council. All Commission personnel are subject to the City's personnel policies.

5. Subject to state law, the Commission shall have power to fix all rates to be paid by consumers of water, wastewater and power, and to make and enforce such rules, regulations and penalties as they may deem proper to affect such collections and to protect all property and rights pertaining to the said departments.

6. The Public Utilities Commission shall have power to institute, prosecute and defend, in the name of the City of Brainerd, all actions which they may deem proper to carry out and enforce their authority as such board; but no real estate or easement shall be acquired by purchase or condemnation proceedings.

No water or wastewater utility listed in Paragraph 1 may be extended beyond the existing service territories unless the City Council shall so order the same by a resolution passed by a majority vote of all its members. With respect to water and wastewater utilities, the "service

territories" are defined as those areas of the City served by existing mains and laterals. Service lines from mains and laterals to customer structures may be extended under the sole authority of the Public Utilities Commission.

The service territory for the electrical utility is established by the Minnesota Public Utilities Commission. Any extension of the electrical utility outside the service territory by contract with another utility shall be approved by the City Council. Any extension of the electrical utility within the service territory, or any contract with another utility to provide power within the Commission's service territory, shall be approved by the Commission.

7. The Commission shall, at the first meeting of the City Council, in December of each year, present an operating budget for the following year as well as a five-year capital improvement plan outlining anticipated future capital expenditures. The budget shall set forth all expenditures that can be anticipated for the operation of the Commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for the Commission to make such expenditures, subject to the provisions of this Charter. The Commission shall have the power to purchase and pay for all supplies necessary for the management of said business, when so approved by the City Council either as a part of said budget or by resolution of the City Council authorizing same, except that the Commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.

8. The Commission's Finance Director shall keep a complete set of accounting records showing in detail all the business and financial affairs and transactions of the Commission and shall receive and safely keep all funds belonging to the Commission in a bank or depository designated by the City Council. All funds shall be deposited in the name of the Commission, and all investments shall be subject to state law and the City of Brainerd Investment Policy. The Commission shall make financial transfers to the City in amounts as specified in Brainerd Public Utilities Policy 2003-01, as amended and approved by the City Council.

### **Public Works Commission**

**Section 64. Public Works Commission.** There is hereby created and established in the city of Brainerd a public works commission which shall meet monthly.

**Section 65. Appointment and Confirmation of Public Works Commissioners.** The commission shall consist of five members, each of whom shall be a resident, or a business owner of the city of Brainerd. Three of the five members shall come from the active city council. The two citizen members shall be appointed by the mayor and confirmed by the city council. The term of office for each citizen commissioner shall be four years, commencing on the date of the commission's first regular meeting in January of even-numbered years and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member

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may serve on the commission. Appointments to fill vacancies shall be subject to confirmation by the city council and they will serve for the duration of the unexpired term.

Section 66. Public Works Commission Officers. At the regular meeting in January of each year biannually of each even-numbered year, the public works commission shall elect from its membership a president and a vice-president, who shall hold office for one two years and until their successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed from time to time, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the commission.

Section 67. Powers and Duties of the Public Works Commission President and Vice-President. The president shall preside at all meetings of the commission and sign all rules and regulations authorized by the commission. The vice-president shall perform the duties of the president in case of their latter's absence. or disability.

Section XX. Orders - How Signed. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the City Administrator and countersigned by the Finance officer designated by Commission.

Section 68. Removal of Citizen Public Works Commissioners. Any citizen member of the commission may be removed by a five-seventh vote of the city council, but no such member shall be removed except for cause and until the commissioner has been provided with a written statement of the charges against them and has had a reasonable opportunity to respond.

Section 69. Powers and Duties of the Public Works Commission. The operations and management of the public works commission shall be subject to the review of the city council. The commission shall have the following powers and duties: Jessie and Paul

- (1) operate and maintain all water, wastewater and stormwater treatment and conveyance systems, and execute necessary actions for sustainment of current infrastructure, planning for future growth, economic management, and fiscal responsibility thereof.
- (2) oversee all city capital construction project management initiatives including but not limited to improvements made to streets, alleys, sidewalks, trails, and other public ways, excluding properties dedicated to the parks and recreation board and library board.
- (3) keep the same in repair, and to make necessary replacements, extensions, improvements, changes, and additions thereto; upon completion of such replacements, extensions, improvements, changes, or additions, the commission shall have management thereof, including power to operate the same.
- (4) fix and determine the rates and charges to be made for said utilities, and other services furnished by said utility, and to collect the same and all other earnings and

revenues of said utility; provided, however, that whenever any new schedule of rates is adopted for any enterprise, or any change or alteration is made in the existing schedules, affecting either a part or all of the patrons of such utility, the commission shall cause publication of such new schedule, or such change or alteration, to be made in the official newspaper of the city.

- (5) prescribe the time and manner in which payment for all such service shall be made, and to provide for the discontinuance or termination of such service in case of non-payment, and in its discretion to require payment in advance for any or all of such service.
- (6) make and enforce rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utility, and to prescribe penalties for the violation thereof. All current rules, resolutions, and regulations shall remain in full force and effect until repealed, altered, or amended by the commission.
- (7) prescribe the form of books of account to be kept by the commission, provided that such methods conform to generally accepted accounting principles for units of local government.
- (8) keep all funds belonging to the commission in a bank or depository designated by the city council.
- (9) the commission shall have the right to the reasonable use of the streets, alleys, and other public grounds of the city for the purpose of maintaining and operating such utilities and repairing the same, or making any extensions, improvements, changes, or additions thereto; but whenever the surface of any street, alley, or public ground is disturbed, the commission shall cause the same to be promptly restored, as nearly as may be, to its original condition.
- (10) make, perform, and enforce contracts not subject to levying of special assessments pursuant to Minnesota Statute 429 in the name and on behalf of the city, and to do any and all other things that may be necessary or proper to carry out the purposes expressed herein. The City Council shall make, perform, and enforce contracts subject to the levying of special assessments pursuant to Minnesota Statute 429.
- (11) the city council shall employ all necessary help for the public works commission to properly perform its duties and approve all terms and conditions of employment.
- (12) recommend personnel for vacant positions to the city council.
- (12) all city employees are subject to city personnel policies.

(14) the commission shall, at the first meeting of the city council in December of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.

(15) the commission will perform any additional powers and duties as directed by the city council.

### **Parks and Recreation Board**

**Section 70. Parks and Recreation Board.** The city council shall maintain city parks for the use of the general public and designates a parks & recreation board to control and supervise all parks, parkways, and boulevards within the city, and also of such streets and other public grounds as the city council shall by proper resolution designate.

**Section 71. Appointment and Confirmation of Parks and Recreation Board Members.** The board shall consist of five members, each of whom shall be a resident of the city of Brainerd. They shall be appointed by the mayor and confirmed by the city council. The term of office for each member shall be five four years, commencing on the date of the board's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the board. Appointments to fill vacancies shall be subject to confirmation by the city council and they will serve for the duration of the unexpired term.

**Section 72. Parks and Recreation Board Officers.** At the regular meeting in January of each year biannually, of each even-numbered year, the parks and recreation board shall elect from its membership a president, and vice-president, and secretary, who shall hold office for two years and until their successors are elected. Such other officers as the board may deem necessary or proper shall be appointed from time to time, and the board shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.

**Section 73. Powers and Duties of the Parks and Recreation Board President and Vice-President.** The president shall preside at all meetings of the board and sign all rules and regulations authorized by the board. The vice-president shall perform the duties of the president in case of their absence.

**Section 74. Removal of Parks and Recreation Board Members.** Any member of the board may be removed by a five-seventh vote of the city council, but no such member shall be removed except for cause and until the member has been provided with a written statement of the charges against them and has had a reasonable opportunity to respond.

**Section 75. Powers and Duties of the Parks and Recreation Board.** The board shall have the following powers and duties:

(1) establish the recreation policies for and conduct and supervise recreation areas, facilities, services, and programs for all types of public recreation.

- (2) conduct activities and pay for the necessary supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the city of Brainerd, designated park property, or on other properties with the consent of the owners or authorities who control the property designated as park property.
- (3) enforce all laws of the state, and ordinances, policies, and resolutions of the city council for the improvement, care, and protection of the parks and other public property under its charge.
- (4) Procure, or lease public or private properties, areas or facilities that may be required for programs,. Provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the city council.
- (7) The board shall each year prior to September 1 prepare and present a budget for park and recreation purposes for the ensuing fiscal year, subject to the approval of the city council.
- (8) the board will perform any additional powers and duties as directed by the city council.

## **CHAPTER SIX**

### **THE PARK AND RECREATION BOARD**

1. The Park and Recreation Board shall have control and supervision of all parks, parkways, and boulevards within the City, and also of such streets and other public grounds as the City Council shall by proper resolution designate. It shall also establish the recreation policy and conduct and supervise recreation areas, facilities, services, and programs for all types of public recreation. It shall have the authority to conduct activities and pay for the necessary supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the City of Brainerd, or on other properties with the consent of the owners or authorities who control the property. And it is made the duty of said Board to cause to be enforced all laws of the State and Ordinances and Resolutions of the City Council for the improvement, care and protection of the parks and other public property under its charge.

2. The said board shall organize by selecting a President and Vice-President from its members. A Clerk shall keep a full record of all proceedings of said board, and a Treasurer who shall keep books showing all monies received and disbursed and the management of the business committed to said board.

3. Said board shall have the power of coordination of services with other governmental programs, solicit and train volunteers, purchase supplies and equipment, develop and maintain facilities, procure, or lease public or private properties, areas or facilities that may be required for programs, provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the City Council. All expenditures shall be within the

moneys appropriated by the City for such purposes, together with donations, gifts, bequests of any money, or any funds from earnings. All money received from donations, bequests or earnings shall be deposited in a special account managed by the board.

4. The board shall each year prior to September 1 prepare and present a budget for park and recreation purposes for the ensuing fiscal year; subject to the approval of the City Council.

5. The members of said board shall receive no compensation.

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## CHAPTER SEVEN

### PUBLIC LIBRARY BOARD

#### Library Board

Section 76. Library Board. There is hereby created and established in the city of Brainerd a library board which shall meet quarterly. The general laws of the state with respect to the establishment and maintenance of public libraries are hereby made a part of this charter, except so far as the same herein changed or modified.

Section 77. Appointment and Confirmation of Library Board Members. The board shall consist of five members, each of whom shall be a resident of the city of Brainerd or Crow Wing County. They shall be appointed by the mayor and confirmed by the city council. The term of office for each member shall be five years, commencing on the date of the board's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the board. Appointments to fill vacancies shall be subject to confirmation by the city council and they will serve for the duration of the unexpired term.

~~1-Section 78. Library Board Officers. At the regular meeting in January of each year bi-annually, the Library Board shall organize by appointing a President, and Vice-President who shall hold office for two years and until their successors are elected, and Secretary from their number; Such other officers as the board may deem necessary or proper shall be appointed from time to time, and the board shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.~~

Section 79. Powers and Duties of the Library Board President and Vice-President. The president shall preside at all meetings of the board and sign all rules and regulations authorized by the board. The vice-president shall perform the duties of the president in case of the latter's absence or disability.

Section 80. Removal of Library Board Members. Any member of the board may be removed by a five-seventh vote of the city council, but no such member shall be removed except for cause

and until the member has been provided with a written statement of the charges against them and has had a reasonable opportunity to respond.

Section 81. Powers and Duties of the Library Board. ~~such board shall have~~ The board shall have the following powers and duties:

- (1) charge and supervision of the public library;
- (2) ~~together with charge and supervision of~~ all library buildings, grounds and other property pertaining to the public library; ~~and~~
- (3) ~~shall have~~ power to make and enforce such rules and regulations, as it may deem proper for the care, use, preservation and protection of all property.
- (4) ~~T~~he City Council may pass all proper Ordinances for the care, preservation and protection of library property and provide for and enforce penalties for violation thereof.
- (5) ~~the board shall, at the first meeting of the city council in December of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.~~
- (+)(6) ~~the board will perform any additional powers and duties as directed by the city council.~~

~~2. The Secretary of the Library Board shall keep books of account fully showing all moneys received and disbursed and the purposes therefor, and the exact condition of said fund, and shall annually on or before the first Council meeting in may make a statement fully showing all the receipts and disbursements of said fund for the last year and the exact condition, which report shall be in duplicate, one copy of which shall be preserved in that office and the other copy filed with the City Administrator.~~

3. The general laws of the state with respect to the establishment and maintaining of public libraries are hereby made a part of this Charter, except so far as the same herein changed or modified.

## **CHAPTER EIGHT**

### **GENERAL PROVISIONS**

~~1. The City council may from time to time provide for the compilation and publication of the Ordinances of the City, and such resolutions as may be designated, and for the distribution or sale of copies of such compilation in its discretion and may also provide for exchange of such printed compilations for similar publications for other cities.~~

Section 82. Provisions Severable. The various sections and provisions of this charter, and the clauses, phrases, and sentences thereof, shall be severable, and if any section, part, or provision shall be held to be invalid, it shall not be construed as invalidating any other part or portion thereof.

~~2. Section 82 Short Title. All actions brought to recover any penalty or forfeiture under this act or the ordinances and, resolutions, ~~by laws, or police or health regulations~~, made in pursuance thereof, shall be brought in the corporate name of the City.~~

~~3. No penalty or judgment recovered in favor of the City shall be remitted or discharged, except by a vote of two-thirds of all the members of the City Council; but nothing in this section shall be so construed as to prohibit the judge of a court of jurisdiction from granting new trials or reversing any judgment rendered by the court according to the usual procedure of courts, nor to prohibit said court from suspending execution of sentence in its discretion.~~

~~4. No City officer, or employee of the City, shall sell, dispose of, or convert to the officer's own use, any City property in the officer's charge without special authority from the City Council.~~

~~5. That the Charter Commission of the City of Brainerd, as prescribed by state law, be composed of seven (7) members, each of whom shall be a qualified voter of the City of Brainerd.~~

Adopted by ordinance on October 3rd, 2022.

Ordinance published on October 8th, 2022.

Effective December 30th, 2022

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# HOME RULE CHARTER CITY OF BRAINERD MINNESOTA

(2025)

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The City of Brainerd is authorized to exercise all powers legally available to it under the laws and constitution of the State of Minnesota. The City Council, as the elected governing body of the City, shall have the power to enact ordinances or take other official action, in accordance with procedures set forth in this Charter, pertaining to any matter not prohibited or pre-empted by federal or state law or constitution.

Adopted by ordinance    **October 3, 2022**  
Ordinance published    **October 8, 2022**  
Effective date            **December 30, 2022**

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## NAME, BOUNDARIES, & SUBDIVISIONS

**Section 1. Name and Boundaries.** The city of Brainerd, in the county of Crow Wing, in the state of Minnesota, is and shall continue to be a municipal corporation, under the name of "City of Brainerd," with the same boundaries as now or as hereafter may be established.

**Section 2. Elected Officials and Wards.** The elected officials of the city shall be one mayor and seven council members. Three of the council members shall be elected at large and one council member shall be elected from each of the four wards. All elected officials shall be residents of the city of Brainerd and the four ward council members shall be residents of their respective wards. The boundaries of said wards shall be as they now are or may hereafter be established. The terms of office for all elected officials shall be four years and until their successors are elected and qualified. The term of office of every official elected under this charter, unless otherwise provided for, shall commence on the first Monday of January following the election and shall continue for a term of four years and until their successor is appointed.

**Section 3. Change of Wards and Precincts.** The city council shall have the power by ordinance to change the boundaries of such wards and precincts, and to change the number of precincts in a ward but shall have no power to change the number of wards.

## CORPORATE POWERS, RIGHTS, & OBLIGATIONS

**Section 4. Corporate Powers.** The city, by and in its corporate name, shall have perpetual existence; and, except as herein otherwise provided and except as prohibited by the constitution or statutes of the state of Minnesota, it shall have and exercise all powers, functions, rights, and privileges possessed by it prior to the adoption of this charter, also all powers, functions, rights, and privileges now or hereafter given or granted by the constitution and the laws of the state of Minnesota to municipal corporations having "home rule charters"; also all powers, functions, rights, and privileges usually exercised by, or which are incidental to, or inhere in, municipal corporations of like power and degree, also all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever, and in addition it shall have all the powers and be subject to the restrictions contained in this charter. In its corporate name, it may take and hold, by purchase, condemnation, gift, or devise, and lease and convey all such real, personal, or mixed property, within or without its boundaries, as its purposes may require or as may be useful or beneficial to its inhabitants, and it may contract with the county or with other municipalities for such joint services and utilities as may seem desirable, and for all other legitimate purposes.

**Section 5. Subsisting Rights and Obligations.** The city shall be the legal successor of the city of Brainerd under its former charter, and shall be vested with all franchises, rights, and immunities formerly vested in said city, except as herein otherwise provided. All property and property rights and interests of every kind and nature, formerly vested in said city, or in any board or public official of the same, all taxes and assessments levied in its behalf, and all rights, penalties or forfeitures, accrued or accruing, are vested in and possessed by the city under this charter, and all previously existing indebtedness, obligations, and liabilities of said city, or any department thereof, no matter in what form or how incurred, together with all interest accrued or to accrue thereon, are assumed by the city. Any subsisting right, lien, or demand against the city, or any pending action or proceeding to enforce the same, shall not be prejudiced or affected in any way by this charter. All ordinances, resolutions, rules, and regulations of the city in force when this charter or amendments to the charter take effect, and not inconsistent with the provisions thereof, are hereby continued in full force and effect unless and until amended or repealed. All contracts entered by the city or for its benefit, prior to the taking effect of this charter or amendments to this charter, shall continue in full force and effect. All public work begun prior to it taking effect shall be continued and perfected thereunder. Public improvements for which legislative steps shall have been taken under laws or charter provisions, existing at the time this charter or amendments to this charter take effect, may be carried to completion in accordance with such existing laws and charter provisions.

**Section 6. Charter Construction.** The provisions of this charter shall be construed liberally in favor of the city, to the end that the city may have all necessary powers for the efficient conduct of its municipal affairs, as contemplated by the municipal home rule provisions of the constitution and laws of the state of Minnesota. The specific mention of municipal powers in other sections of the charter shall not be construed as limiting the powers of the city in the premises to those thus mentioned. All powers of the city, whether express or implied, shall be exercised in the manner prescribed by this charter, or, if not prescribed therein, then in the manner determined by the city council.

## **FORM OF GOVERNMENT**

**Section 7. Organizational Structure.** In addition to the elected officials and city staff, there shall be four entities granted specific authority pursuant to this charter:

- (1) Electric commission;
- (2) Public works commission;
- (3) Parks and recreation board; and
- (4) Library board.

All other commissions, boards, departments, and offices shall operate pursuant to existing ordinances. The duties, powers, and form of organization of which shall be as defined herein. The city council may create and establish additional commissions, boards, departments, and offices consistent with the general purposes of this charter and may also modify or eliminate the same.

**Section 8. Division of Duties: City Council, Commissions, and Boards.** Each commission and board shall exercise necessary actions for sustaining current infrastructure and planning for future growth. Each shall manage their governmental and/or proprietary funds in an efficient and fiscally responsible manner, subject to the city council's general powers provided in this charter and under state law. All city employees are subject to city personnel policies and report to the city administrator.

**Section 9. Appointed Officials.** The appointed officials of the city shall be a city administrator, five electric commissioners, two citizen public works commissioners, five parks and recreation board members, five library board members, and such other officials as may be required under this charter or Minnesota statutes, or as deemed necessary and appropriate by the city council. All terms for members of commissions and boards shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified. The compensation of all elected and appointed officials shall be fixed by ordinance as permitted by state statute. Any person shall not be eligible to serve on a board or commission of the city under this charter who has ever been convicted of a felony, or is not at the time of their appointment a qualified resident of the city, unless otherwise expressly allowed by the city by ordinance, resolution or policy, or who is at such time interested in any contract with the city to which the person is a party, individually, as a member of a firm, or director or other managing officer of a corporation.

**Section 10. Incompatible Offices.** Neither the mayor, any council member, an electric commissioner, nor a public works commissioner, shall hold any paid municipal office or employment under the city.

**Section 11. Combining Offices.** Any two or more of the offices created under this charter, and made appointed by the city council, may, on the discretion of the council, be filled by one and the same person. Additional functions and duties may be assigned by the city council to commissions, boards, departments, and offices established by this charter.

**Section 12. City Council Function.** All powers of the city, both legislative and administrative, unless otherwise delegated by the provisions of this charter or state law, shall vest in and be exercised by the city council, and state statutes. Except as otherwise specifically provided in this charter, the council shall have complete control over all municipal services, but it shall exercise that control through a city administrator to

be appointed by said council and shall not itself perform any such service.

**Section 13. Duties and Powers: Mayor.** The mayor shall be an ex-officio member of the council for the purpose only of casting the deciding vote upon any question before said council when the council members composing the said council present and voting are equally divided thereupon. The mayor shall from time to time give the council such information and recommend such measures as they deem to be in the best interest of the city. Every ordinance or resolution enacted or adopted by the council shall be presented by the city administrator to the mayor for approval or disapproval within two business days after its passage. The mayor shall, within five business days after passage by the council, indicate in writing either approval or disapproval of the ordinance or resolution, and return such ordinance or resolution, together with reasons for disapproval, if any, to the city administrator. Upon the return of any such ordinance or resolution that is disapproved by the mayor, the measure shall be returned to the council for reconsideration, and if upon such reconsideration it is approved by the council by a five-seventh vote of its membership, the measure shall take effect as if approved by the mayor. If an ordinance or resolution is not returned by the mayor within five business days after the passage by the council, it shall take effect as if approved by the mayor.

**Section 14. Elected Office Vacancies: How Created.** A vacancy in any elective office created under this charter shall be deemed to exist for any of the following reasons.

- (1) Death, resignation, or removal of the incumbent.
- (2) Change of an elected official's residence to a location outside the ward represented by the official, or outside the city.
- (3) Conviction of an official while in office of any crime greater than a misdemeanor or of any offense involving a violation of the obligations of the office.
- (4) Failure of an official to take the oath of office.
- (5) Death of a person before taking the office to which the person was elected or appointed, in which case the vacancy shall be deemed to take place at the time when the person's term of office would have begun.

All appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 15. Removals.** Every person elected to office, or appointed to a commission or board, under this charter shall be subject to removal by a five-seventh vote of the council. However, no such official shall be removed except for cause, and unless furnished with a written statement of the charges against them, and an opportunity to be heard in person or by counsel. The council shall fix the time and place for a hearing on such charges, of which not less than ten days' notice shall be given to the official to be removed and shall have power to arrange the mode of hearing, to compel the attendance of witnesses and the production of documentary evidence, to administer oaths, and to hear testimony and arguments.

**Section 16. Elected Office Vacancies: How Filled.** Whenever a vacancy occurs in an elected office, such vacancy shall be filled by an appointment of the city council. All officials so appointed shall hold their respective offices for the balance of the unexpired terms.

**Section 17. Oath of Office.** Every person elected or appointed to a council, board, or commission under this charter shall, before entering upon the performance of the duties of the office, take and subscribe an oath of office, in the form prescribed by Minnesota statutes, and shall cause the same to be filed with the city administrator.

**Section 18. Conflict of Interest.** A conflict of interest is present when an elected or appointed official, in the discharge of their official duties, would be required to take an action or make a decision regarding a matter in which the official has a personal financial interest, or is otherwise so personally interested in such matter that the official cannot act in the public interest. For purposes of this section, a personal financial interest is any interest which shall yield, directly or indirectly, a material monetary or other benefit to the official, excluding such circumstances when the financial interest of the official is no greater than that of another

member of the business classification, profession, or occupation. Any elected or appointed official, or city staff who has a conflict of interest on a matter shall refrain from voting or otherwise participating in any actions or decisions regarding such matter. In such cases, a public disclosure shall be made as follows.

(1) In the case of an elected official, the member shall declare a conflict and a notation regarding the same shall be entered in the city council meeting minutes.

(2) In the case of an appointed official, the member shall declare a conflict and a notation regarding the same shall be entered in the minutes of such commission or board meeting minutes.

(3) In the case of a sale, lease, or contract in which an elected or appointed official with authority to take part in any manner in the making of the transaction has a personal financial interest, neither the city council nor any commission or board of the city shall approve such transaction except as allowed by law.

**Section 19. Primary and General Elections.** When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted. Election returns shall be made, and the results canvassed, consistent with the general laws of the state of Minnesota pertaining to primaries. The regular city election for the election of city officials shall be held on the first Tuesday after the first Monday of November in each even numbered year, and all general laws of the state of Minnesota, relating to the election of city officials and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this charter. All special elections are hereby adopted as a part of this charter, the same as herein specifically reenacted. The judges, clerks and other officials of elections at the then last general election for state officials shall be the judges, clerks and other officials of all special city elections, except that the city council shall appoint additional officials as permitted by law. Election returns shall be made, and the results canvassed consistent with the general laws of the state of Minnesota pertaining to general elections.

#### **DUTIES & PROCEDURES OF THE CITY COUNCIL**

**Section 20. City Council Leadership.** The president or vice-president of the council shall when present preside at all meetings. In the absence of both, the council may elect a president pro tem who shall for such meetings and the proceeding thereof have the same power as the president.

**Section 21. Duties and Powers: City Council.** The city council shall have the management and control of all the finances and property of the city and of all the departments thereof subject to the other provisions of this charter. However, no real estate belonging to the city shall be sold or disposed of unless ordered by five-sevenths of all the members of the city council, and provided that no public utility, which shall hereafter be owned by the city, shall be sold, leased, mortgaged, or otherwise disposed of unless authorized to do so by a five-seventh majority of the members of the city council. The city council shall in addition to the powers herein vested in them have power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend, and repeal all such ordinances, resolutions, rules, and regulations for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have the power to provide for the imprisonment and safe keeping of all persons arrested or charged with any offense. The city council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance ordained by them, and all such ordinances are hereby declared to be and have the force of law. The city council may create an ordinance which may impose punishment for the breach of any ordinance of the city to impose a fine and imprisonment as permitted by state law.

#### **Council Procedure**

**Section 22. Procedural Rules and Quorum.** The council shall determine its own rules and order of business and shall keep minutes of its proceedings. A majority of city council members shall constitute a quorum for the transaction of business, but a lesser number may adjourn a meeting.

**Section 23. Council Organization.** At the first meeting in January of the city council after the regular city

election, it shall proceed to elect by written ballot from its members a president and vice-president. The president shall preside over the meetings of the city council and appoint all standing and temporary committees thereof, and during absence of the mayor from the city, or the mayor's inability for any reason to discharge the duties of the office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any time the vice-president shall discharge the duties of such president and act in their absence. The president or vice-president while performing the duties as mayor shall be styled "acting mayor", and acts performed by either when acting as mayor, shall have the same force and validity as if performed by the mayor.

**Section 24. City Council Meetings.** The city council shall hold public meetings, which shall not be less than one meeting per month. The meetings shall be fixed by the city council and minutes of council proceedings shall be kept and made available to the public. The mayor, the president or vice-president of the council, or any two of the council members may call special meetings by notice filed with the city administrator and provided to each of the members either electronically by official city email or in writing by personal delivery. A special meeting may be called by the mayor, president, vice-president, or president pro tem at any regular meeting of the city council by giving notice thereof and noting the same in the minutes of the meeting. In case the attendance at any regular or special meetings of the city council is less than a quorum such meeting may be adjourned to any time that may be designated and entered in the minutes of the meeting. Except in cases of emergency, the city council shall not meet on a Sunday, a legal holiday, or a day of a general or special election.

**Section 25. Ordinances and Resolutions.** Except as otherwise required by this charter or state law, all ordinances and resolutions shall be passed via roll call by an affirmative vote of a majority of the members of the city council present by an 'aye' or 'nay' vote. The vote of each council member shall be recorded in the minutes. Every ordinance or resolution enacted or adopted by the council shall be signed by the president of the council and the mayor, and attested by the city administrator, and shall be filed with the city clerk immediately after its passage. Every resolution shall be presented in writing before a vote is taken thereon.

**Section 26. Ordinance Procedures.** The enacting clause of all ordinances passed by the council shall be in the words: "Be it Ordained by the City Council of the City of Brainerd." Every ordinance shall be presented in writing. Every ordinance, other than emergency ordinances and those changing the zoning map, shall be considered by the city council at two meetings, and not voted on until the second meeting. A minimum of ten calendar days shall elapse between the first and second consideration of the ordinance.

**Section 27. Emergency Ordinance.** An emergency ordinance is for the immediate preservation of public peace, health, or safety, in which the emergency is defined or declared in a preamble thereto.

**Section 28. Ordinance Publication.** Except as provided hereafter, every adopted ordinance shall be published at least once in the official paper of the city within fifteen calendar days after such approval. In the case of lengthy ordinances or ordinances including charts or maps, if the city council determines that publication of the title and a summary of an ordinance would clearly inform the public of the intent and effect of the ordinance, the council may by resolution, direct that only the title of the ordinance and a summary be published, with notice that a digital copy of the complete ordinance is available for inspection during regular business hours at the office of the city administrator. Every adopted ordinance shall be recorded by the city clerk in a record kept for that purpose, and the affidavit of publication thereof shall be recorded therewith, and the record of said ordinance and affidavit of publication thereof, or a certified copy thereof, shall be deemed sufficient evidence of such adoption and publication.

**Section 29. When Ordinances and Resolutions Take Effect.** Emergency ordinances shall take effect immediately upon their passage and approval of so ordered by the council. All other ordinances shall take effect upon initial publication. All resolutions shall take effect from and after their passage or adoption unless the city council expressly orders otherwise.

## DUTIES OF THE CITY OFFICIALS

**Section 30. Assigned Duties.** All city officials shall perform such duties as may be directed by the city council by ordinances, resolutions, or otherwise. No official of the city shall retain any property, papers, books, and effects of any kind that belong to the city or pertain to the office after the expiration of their employment.

### City Administrator

**Section 31. City Administrator Role.** The city administrator shall be the chief administrative officer of the city and shall be appointed by the city council for an indefinite period of time. The city administrator may be removed by the council in accordance with the terms of a valid employment contract, or as an at-will employee in the absence of any contrary terms in a valid employment contract. In the event of the removal or resignation of the city administrator, the council shall immediately take steps to appoint a successor. The council shall delegate to the city administrator by ordinance whatever powers and duties they deem necessary or proper for the efficient administration of city affairs.

**Section 32. Duties and Powers: City Administrator.** The city administrator shall have the following duties and powers.

- (1) Attend meetings of the council, committees, boards, and commissions, as necessary, and may take part in discussions, but without a vote.
- (2) Perform such other duties as may be prescribed by this charter or required or authorized by the city council, not inconsistent with the provisions hereof.
- (3) Exercise administrative control over all city departments and divisions now in existence or which may be hereafter created by the city council, all commissions and boards, and all city employees.
- (4) With the consent of the city council, hire and promote employees. Authority to discipline employees and perform other administrative actions resides with the city administrator where all actions are carried out pursuant to current employee policies and signed collective bargaining agreements.

### Financial Management

**Section 33. Fiscal Year.** The fiscal year for the city shall be the calendar year.

**Section 34. City Council Control of Finances.** Except as otherwise provided herein, 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 money, and shall make provisions for the payment of all liabilities and expenses, all subject to the provisions of this charter.

**Section 35. Separation of Funds.** All city money shall be accounted for in accordance with generally accepted accounting principles for units of local government. All taxes and money received or appropriated for any particular fund shall be paid into and credited to such funds. All taxes and money received by the city, not appropriated, or otherwise payable to any particular fund, shall be credited to the general fund.

**Section 36. Special Levies.** The city council shall annually levy taxes to provide for the following specifically designated funds and purposes.

- (1) A permanent improvement fund, for paying such portion of the cost of improving streets. For the support of this fund, the city council shall annually levy on taxable property of the city an amount not to exceed 9% of the previous year's total city levy. These funds shall be thereby transferred to the capital improvement fund.
- (2) The city shall levy 1.5% of the previous year's total city levy for each of the following purposes.
  - a. Provide community action programs and events.

- b. Establish and maintain programs benefitting senior citizens, or for support to a subsidized non-profit senior citizens organization.
  - c. Support of an arboretum or green space organization.
- (3) The city council may levy for transit operations, which shall not exceed 3% of the previous year's total city levy.

**Section 37. Annual City Budget.** On or before the first day of September of every year, the president of the city council, the chair of the council personnel and finance committee, and the city administrator shall submit to the city council an estimate of the probable city expenditures for the following fiscal year, stating the amount required to meet the interest and maturing bonds of the outstanding indebtedness of the city, and specifically showing the various amounts necessary for each and every fund, including an estimate of the total income from all sources of revenue other than taxes upon property, and the probable requisite amount to be levied and raised by taxation to defray all such expenses and liabilities of the city.

**Section 38. Signing Orders.** Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the mayor and countersigned by the city administrator.

#### Electric Commission

**Section 39. Electric Commission.** There is hereby created and established in the city an electric commission which shall meet monthly.

**Section 40. Appointment and Confirmation: Commissioners.** The commission shall consist of five members, each of whom shall be a resident of the city or a business owner within the service territory. They shall be appointed by the mayor and confirmed by the council. The term of office for each commissioner shall be four years. There are no restrictions on the number of consecutive terms a member may serve on the commission. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 41. Electric Commission Officers.** At the regular meeting in January of each even-numbered year, the electric commission shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed as needed, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the commission.

**Section 42. Duties and Powers: Commission Chair and Vice Chair.** The chair shall preside at all meetings of the commission and sign all rules and regulations authorized by the commission. The vice chair shall perform the duties of the chair in their absence.

**Section 43. Signing Payments.** Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the city administrator and countersigned by the finance officer designated by commission.

**Section 44. Duties and Powers: Electric Commission.** The commission shall have the following duties and powers.

- (1) Operate electric utilities and execute necessary actions for sustaining current infrastructure, planning for future growth, economic management, and fiscal responsibility thereof.
- (2) Keep the same in repair, and to make necessary replacements, extensions, improvements, changes, and additions thereto.
- (3) Fix and determine the rates and charges to be made for electricity and other services furnished by said utility, and to collect the same and all other earnings and revenues of said utility; provided, however, that whenever any new schedule of rates is adopted for any enterprise, or any change or alteration is made in

the existing schedules, affecting either a part or all of the patrons of such utility, the commission shall cause publication of such new schedule, or such change or alteration, to be made in the official newspaper of the city.

(4) Prescribe the time and manner in which payment for all such services shall be made, and to provide for the termination of such service in case of non-payment, and in its discretion to require payment in advance for any or all of such services.

(5) Make and enforce rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utility, and to prescribe penalties for the violation thereof. All current rules, resolutions, and regulations shall remain in full force and effect until repealed, altered, or amended by the commission.

(6) Keep all funds belonging to the commission in a bank or depository designated by the city council.

(7) The commission shall have the right to the reasonable use of the streets, alleys, and other public grounds of the city for the purpose of maintaining and operating such utilities and repairing the same, or making any extensions, improvements, changes, or additions thereto; but whenever the surface of any street, alley, or public ground is disturbed, the commission shall cause the same to be promptly restored, as nearly as may be, to its original condition.

(8) Make, perform, and enforce contracts in the name and on behalf of the city, and to do any and all other things that may be necessary or proper to carry out the purposes expressed herein.

(9) The commission shall, at the first meeting of the city council in December of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.

(10) The commission will perform any additional duties and powers as directed by the council.

**Section 45. Service Territory.** The service territory for the electric utility is established by the Minnesota Public Utilities Commission. Any extension of the electric utility outside the service territory by contract with another utility shall be approved by the city council. Any extension of the electric utility within the service territory, or any contract with another utility to provide power within the commission's service territory, shall be approved by the electric commission.

**Section 46. City Council Exclusions.** The city council shall have the power to make purchases on behalf of the city and may make purchases through such methods or designees as the council may determine from time to time by ordinance or resolution. The provisions of this section shall not apply to purchases made by, or on behalf of the electric commission.

#### Public Works Commission

**Section 47. Public Works Commission.** There is hereby created and established in the city a public works commission which shall meet monthly.

**Section 48. Appointment and Confirmation: Citizen Commissioners.** The commission shall consist of five members, each of whom shall be a resident, or a business owner of the city. Three of the five members shall come from the active city council. Two citizen members shall be appointed by the mayor and confirmed by the council. The term of office for each citizen commissioner shall be four years, commencing on the date of the commission's first regular meeting in January of even-numbered years and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the commission. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 49. Public Works Commission Officers.** At the regular meeting in January of each even-numbered year, the public works commission shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed as needed, and the commission shall prescribe the respective duties of

such officers, all of whom shall hold office at the pleasure of the commission.

**Section 50. Duties and Powers: Commission Chair and Vice Chair.** The chair shall preside at all meetings of the commission and sign all rules and regulations authorized by the commission. The vice chair shall perform the duties of the chair in their absence.

**Section 51. Signing Payments.** Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the city administrator and countersigned by the finance officer designated by commission.

**Section 52. Duties and Powers: Public Works Commission.** The commission shall have the following duties and powers.

- (1) Operate and maintain all water, wastewater and stormwater treatment and conveyance systems, and execute necessary actions for sustainment of current infrastructure, planning for future growth, economic management, and fiscal responsibility thereof.
- (2) Oversee all city capital construction project management initiatives including but not limited to improvements made to streets, alleys, sidewalks, trails, and other public ways, excluding properties dedicated to the parks and recreation board.
- (3) Keep the same in repair, and to make necessary replacements, extensions, improvements, changes, and additions thereto
- (4) Fix and determine the rates and charges to be made for water, wastewater, stormwater, sanitary sewer, and other services furnished by said utility, and to collect the same and all other earnings and revenues of said utility; and to collect the same and all other earnings and revenues of said utility; provided, however, that whenever any new schedule of rates is adopted for any enterprise, or any change or alteration is made in the existing schedules, affecting either a part or all of the patrons of such utility, the commission shall cause publication of such new schedule, or such change or alteration, to be made in the official newspaper of the city.
- (5) Prescribe the time and manner in which payment for all such service shall be made, and to provide for the discontinuance or termination of such service in case of non-payment, and in its discretion to require payment in advance for any or all of such service.
- (6) Make and enforce rules and regulations pertaining to such service and the distribution and use thereof, and the operation of said utility, and to prescribe penalties for the violation thereof. All current rules, resolutions, and regulations shall remain in full force and effect until repealed, altered, or amended by the commission.
- (7) Keep all funds belonging to the commission in a bank or depository designated by the city council.
- (8) The commission shall have the right to the reasonable use of the streets, alleys, and other public grounds of the city for the purpose of maintaining and operating such utilities and repairing the same, or making any extensions, improvements, changes, or additions thereto; but whenever the surface of any street, alley, or public ground is disturbed, the commission shall cause the same to be promptly restored, as nearly as may be, to its original condition.
- (9) Make, perform, and enforce contracts not subject to levying of special assessments pursuant to Minnesota statute 429 in the name and on behalf of the city, and to do any and all other things that may be necessary or proper to carry out the purposes expressed herein. The city council maintains exclusive authority to make, perform, and enforce contracts subject to the levying of special assessments pursuant to Minnesota statute 429.
- (10) The commission shall, at the first meeting of the city council in December of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.
- (11) The commission will perform any additional duties and powers as directed by the council.

Parks & Recreation Board

**Section 53. Parks and Recreation Board.** The council shall maintain city parks for the use of the general public and designates a parks and recreation board to control and supervise all parks within the city, and also of such streets and other public grounds as the council shall by proper resolution designate.

**Section 54. Appointment and Confirmation: Board Members.** The board shall consist of five members, each of whom shall be a city resident. They shall be appointed by the mayor and confirmed by the council. The term of office for each member shall be four years, commencing on the date of the board's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the board. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 55. Parks and Recreation Board Officers.** At the regular meeting in January of each even-numbered year, the parks and recreation board shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed as needed, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.

**Section 56. Duties and Powers: Board Chair and Vice Chair.** The chair shall preside at all meetings of the board and sign all rules and regulations authorized by the board. The vice chair shall perform the duties of the chair in their absence.

**Section 57. Duties and Powers: Parks and Recreation Board.** The board shall have the following duties and powers.

- (1) Establish recreation policies of recreation areas, facilities, services, and programs for all public recreation.
- (2) Conduct activities for the requisite supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the city, designated park property, or other properties with the consent of the owners or authorities who control the property.
- (3) Enforce all laws of the state, ordinances, policies, and resolutions of the council for the improvement, care, and protection of the parks and other public property under its charge.
- (4) Procure or lease public or private properties that may be required for programs provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the council.
- (5) The board shall each year prior to September 1 prepare and present a budget for parks and recreation purposes for the following fiscal year, subject to the approval of the council.
- (6) The board will perform any additional powers and duties as directed by the council.

## Library Board

**Section 58. Library Board.** There is hereby created and established in the city a library board which shall meet quarterly. The general laws of the state with respect to the establishment and maintenance of public libraries are hereby made a part of this charter, except so far as the same herein changed or modified.

**Section 59. Appointment and Confirmation: Board Members.** The board shall consist of five members, each of whom shall be a resident of the city. They shall be appointed by the mayor and confirmed by the council. The term of office for each member shall be five years, commencing on the date of the board's first regular meeting in January and continuing until a successor is appointed. There are no restrictions on the number of consecutive terms a member may serve on the board. Appointments to fill vacancies shall be subject to confirmation by the council and they will serve for the duration of the unexpired term.

**Section 60. Board Officers.** At the regular meeting in January of each even-numbered year, the library board shall elect from its membership a chair and a vice chair, who shall hold office for two years and until their

successors are elected. Such other officers as the commission may deem necessary or proper shall be appointed as needed, and the commission shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.

**Section 61. Duties and Powers: Board Chair and Vice Chair.** The chair shall preside at all meetings of the board and sign all rules and regulations authorized by the board. The vice chair shall perform the duties of the chair in their absence.

**Section 62. Duties and Powers: Library Board.** The board shall have the following duties and powers.

- (1) Charge and supervision of the public library.
- (2) Charge and supervision of all library buildings, grounds, and other property pertaining to the library.
- (3) Power to make and enforce such rules and regulations, as it may be deemed proper for the care, use, preservation, and protection of all property.
- (4) The city council may pass all proper ordinances for the care, preservation and protection of library property and provide for and enforce penalties for violation thereof.
- (5) The board shall, at the first meeting of the council in September of each year, present an operating budget for the following year and a capital improvement plan outlining anticipated future capital expenditures.
- (6) Perform any additional powers and duties as directed by the council.

#### **MISCELLANEOUS PROVISIONS**

**Section 63. Severability.** The various sections and provisions of this charter, and the clauses, phrases, and sentences thereof, shall be severable, and if any section, part, or provision shall be held to be invalid, it shall not be construed as invalidating any other part or portion thereof.

**Section 64. Penalty and Forfeiture.** All actions brought to recover any penalty or forfeiture under this charter or ordinances and resolutions made in pursuance thereof, shall be brought in the corporate name of the city.

**Section 65. Legal Liability.** The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.



# Charter Commission Agenda Request

**MEETING DATE:** December 17, 2025

**TITLE OF ITEM:** Annual Letter to District Judge

**AGENDA:**

**ACTION REQUESTED:** Approve/Deny Motion

**SUBMITTED BY:** Nick Broyles, City Administrator

**DEPARTMENT:** Administration

**PRESENTER:** Nick Broyles, City Administrator

**ESTIMATED TIME (MIN):** 5 minutes

**SUMMARY OF ISSUE:**

Per Minnesota statute, the charter commission must send a letter to the district judge to inform them of the charter commission's actions. Attached is a draft letter for the charter commission to consider sending.

**ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS:**

**RECOMMENDED ACTION/MOTION:**

Move to direct Administrator Broyles to send an annual letter to the district judge.

**FINANCIAL IMPACT:**

N/A

December 18, 2025

The Honorable Chief Jana Austad  
Ninth Judicial District  
Cass County Justice Center  
PO Box 3000  
Walker, MN 56401

RE: Annual Charter Commission Report

Dear Judge Austad:

The City of Brainerd Charter Commission met three times this year and appointed one Member to the Commission. Current Members are Jan Lambert, James Norwood, and Andrew Shipe. The Commission appointed Andrew Shipe as the Chair.

In 2025, the Commission has been meeting to update the Charter to better align with future goals of the City. The Charter Commission will continue to meet in the upcoming calendar year and apprise you of changes.

Sincerely,  
City of Brainerd

Nicholas W. Broyles  
City Administrator