



CITY COUNCIL AGENDA

Joint Special Meeting - Charter Commission
City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Thursday, March 26, 2026 @ 5:30 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
Per MN Statutes 13D.02 Subd 1 Council Members and Commissioners may participate by interactive technology.

Dial in by phone
[+1 469-250-2695](tel:+14692502695)

Phone conference ID: 987 775 12#

1. **Call To Order**

2. **Roll Call**

___ K. Bevans ___ J. Czczok ___ G. Johnson ___ K. Stunek ___ K. Yeager ___ T.
Erickson ___ M. O'Day ___ Mayor Badeaux

___ J. Lambert ___ J. Norwood ___ A. Shipe

3. **Discussion Items**

A. **Charter - Review Revisions**

4. **Adjourn**

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MISSION

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



City Council Agenda Request

MEETING DATE: March 26, 2026

TITLE OF ITEM: Charter - Review Revisions

AGENDA: Main

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Charter Commission, Nick Broyles, City Administrator
DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator

ESTIMATED TIME (MIN): 60 Minutes

SUMMARY OF ISSUE

Several meetings have been held going back to 20 Aug 25 regarding the city charter. Meetings have been some combination of the charter commission, the public utilities commission, and the city council liaisons. Meeting dates have been 20 Aug 25, 5 Nov 25, 17 Dec 25, 21 Jan 26, and 19 Feb 26.

At the 20 Aug 25 meeting, the charter commission directed staff to review chapter 5 and consult with the city attorney to draft language to codify the intent of the existing charter. At the same meeting, they also directed staff to check for inconsistencies in chapter 2, section 30.

At the 5 Nov 25 meeting, staff asked the charter commission if we could review the entire charter, front to back, and suggest revisions. The commission subsequently directed staff to draft a charter to be reviewed by the end of the year at a joint meeting with the public utilities commission. Two joint meetings followed on 17 Dec 25 and 21 Jan 26 to hear comments from both commissions.

Finally, at a joint meeting on 19 Feb 26, the charter commission unanimously voted forward a draft charter for consideration by the city council.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Attached to this agenda item are (1) the current charter, (2) a modified redlined version of the current charter to promote easier understanding of changes, and (3) a clean version reflecting incorporated comments from the charter commission and the public utilities commission.

Commissioners' comments were reviewed on February 19th: <https://www.youtube.com/watch?v=iNDYb6FlgS4>

RECOMMENDED ACTION/MOTION

FINANCIAL IMPACT

N/A

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

See Proposed Charter Sections 1, 4 and 5: 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.

Noteworthy Changes: *The existing charter formally creates the City of Brainerd and lists its basic legal powers using older, more complex language. The revised sections reorganize this information into clear topics—name and boundaries, corporate powers, and continuation of existing rights—using a modern charter format. The proposed language states that Brainerd operates as a home rule charter city under Minnesota law and has all powers allowed by the state constitution and statutes. It provides more detail on the City's authority to own property, enter contracts, and work jointly with other governments. The revised text also confirms that all existing debts, contracts, ordinances, and legal obligations continue without interruption, which is not clearly stated in the existing language.*

See Proposed Charter Sections 2 and 3: The City shall be divided into four wards in accordance with state law.

Noteworthy Changes: *The existing charter is brief and states that the City is divided into four wards, with no additional detail. The proposed language expands on this by clearly defining the City's elected officials, including the mayor and seven council members, and how council members are elected (at-large versus by ward). It adds residency requirements for elected officials and specifies four-year terms and when those terms begin. The proposed text also clarifies that ward boundaries may change over time and gives the City Council authority to adjust ward and precinct boundaries by ordinance. Overall, the revised version provides clear governance structure and procedures that were not addressed in the existing statement.*

See Proposed Charter Section 6 for Additional Added Language

***Noteworthy Additions:** This section directs that the charter be interpreted broadly to give the City the authority it needs to manage its municipal affairs under Minnesota home rule law. It clarifies that listing specific powers in the charter does not limit the City to only those powers. Any city powers, whether explicitly stated or implied, must be exercised according to the charter or, if not addressed, as determined by the city council.*

See Proposed Charter Section 7 and 8 for Additional Added Language

***Noteworthy Additions:** These sections were added to the proposed charter to clearly define the City's organizational framework and lines of authority. Section 7 formally establishes the Public Utilities Commission, Parks and Recreation Board, and Library Board as charter-recognized entities with specific authority, while allowing other boards and commissions to continue under ordinance. It also preserves the City Council's authority to create, modify, or eliminate additional entities as needed. Section 8 clarifies the division of duties by outlining the responsibility of commissions and boards for infrastructure planning, operations, and fiscal management. Together, these additions reinforce council oversight, administrative reporting structure, and alignment with state law while providing clearer governance expectations.*

CHAPTER TWO

OFFICERS AND ELECTIONS

1. **See Proposed Charter Section 2:** 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.

***Noteworthy Changes:** The existing charter paragraph defines the City's elected officials, noting there is a mayor and seven council members (three at-large and four ward-based) and establishes residency requirements. The proposed charter paragraph keeps the same basic structure and residency rules but adds more detail about ward boundaries, the length of terms, and when terms begin and end. Essentially, the proposed version provides clearer guidance on how elections operate and when officials take office, making it more complete and more practical for governance while retaining the existing structure of elected offices.*

2. **See Proposed Charter Section 19:** 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.

***Noteworthy Changes:** The existing charter paragraph and the proposed Section 19 are largely the same in meaning, covering primary elections when more than twice the number of candidates file, regular city elections in even-numbered years, adherence to Minnesota election laws, appointment of election officials, and canvassing of results. The main differences are stylistic and organizational. The proposed charter paragraph breaks the text into shorter sentences, adds a section heading, and standardizes capitalization and punctuation. Functionally, both paragraphs convey the same election procedures, but the proposed version is slightly easier to read and more formally structured for a charter document.*

- 3. See Proposed Charter Section 2:** 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.

***Noteworthy Changes:** The existing charter paragraph focuses solely on when an elected officer's term begins and its four-year length, with a note that the term continues until a successor is elected and qualified. The proposed charter paragraph keeps this information but places it within a broader section that also defines the City's elected officials, the number of council members, at-large versus ward-based representation, residency requirements, and ward boundaries. Essentially, the proposed paragraph provides context for elected offices and terms, whereas the existing only addresses the timing and duration of terms. The term language itself is largely unchanged, but it is now part of a more comprehensive framework for elections and governance.*

- 4. See Proposed Charter Section 9, 10 and 11:** 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.

***Noteworthy Changes:** The existing charter paragraph lists the City's appointed officials and boards, including the City Attorney, Public Utilities Commission, Parks and Recreation Board, and Library Board, and notes that no elected or appointed city official may serve on the Public Utilities Commission. The proposed charter Section 9 keeps the general list of boards but adds a city administrator, removes the City Attorney pursuant to Number 5 below, specifies terms of*

office for board members, addresses compensation, incompatible offices, and the combining of offices. It also adds eligibility rules, including residency requirements, restrictions for those with felony convictions, and conflicts of interest, giving much more detail on who can serve and under what conditions. Overall, the proposed paragraphs provide a more complete and more formal framework for appointed officials, their terms, pay, and qualifications, while the existing is shorter and more general.

5. **Removed:** City Attorney 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.

***Noteworthy Removal:** This provision is being removed: the requirement for the City Council to appoint a City Attorney at its first regular meeting in January of each odd-numbered year, with terms continuing until a successor is appointed and qualified, will no longer apply, the attorney is hired on contract and acceptance of the contract is considered in lieu of an appointment. As council approves the contract it was not deemed necessary to continue to include this language.*

6. **See Proposed Charter Sections 40, 48 and 53:** 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.

***Noteworthy Changes:** The existing charter paragraph sets a specific schedule for appointments to the Public Utilities Commission, Park and Recreation Board, and Library Board, including which members are appointed each year and the exact length of each term (five or six years), with terms starting upon appointment and continuing until successors are qualified. The proposed sections reorganize and simplify this structure and are included in each board and commission section, standardizing most board and commission terms to four or five years, removing the rigid yearly appointment schedule, and adding flexibility such as allowing members to serve unlimited consecutive terms. The proposed language also adds residency or business-ownership requirements, clarifies term start dates, and provides clear rules for filling vacancies. Overall, the proposed text is more flexible and modernized, focusing on qualifications, term length, and continuity rather than the detailed, staggered appointment schedule in the existing schedule.*

7. **See Proposed Charter Section 14:** 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.

Noteworthy Changes: The existing paragraph allows elective or appointive officers to resign and says that changing residence outside the city or ward automatically creates a vacancy. The proposed Section 14 expands this by clearly defining multiple ways a vacancy can occur, including death, resignation, removal, moving out of the city or ward, conviction of certain crimes, and failure to take the oath of office. It also clarifies how vacancies are filled, stating that appointments must be confirmed by the council and that appointees serve the remainder of the unexpired term. Overall, the proposed version is more detailed, formal, and provides a clear legal framework for handling vacancies.

8. **See Proposed Charter Section 15:** 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.

Noteworthy Changes: The existing paragraph sets rules for removing appointed officials, requiring a two-thirds council vote, and includes detailed procedures such as notice, hearing, compelling witnesses, and specific examples of "cause" like absenteeism or neglect of duty. The proposed Section 15 expands the removal provisions to cover both elected and appointed officials but clarifies the council vote threshold to five-sevenths. It keeps the key protections—removal only for cause, written charges, notice, and the right to be heard—but streamlines the language and procedures, removing the specific examples of cause and some procedural details about hearings. Overall, the proposed version is more concise, broader in scope, and easier to read while maintaining procedural fairness.

9. **See Proposed Charter Section 9 and 10:** 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.

Noteworthy Changes: *The existing charter paragraph focuses on eligibility restrictions for serving on a board or commission, including felony convictions, residency requirements, and conflicts of interest. The proposed Section 9 keeps these eligibility rules intact but adds additional context, specifying the list of appointed officials and boards, their terms of office, and compensation. Essentially, the proposed paragraph embeds the existing eligibility requirements into a broader framework for appointed officials, making it more comprehensive and easier for elected officials to see the full structure, terms, and rules for boards and commissions.*

10. **See Proposed Charter Sections 14-16, 40, 48, and 53:** 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.

Noteworthy Changes: *The existing charter paragraph is brief and straightforward, stating that vacancies in elected or appointed offices are filled by the City Council, except for certain boards appointed by the mayor, and that appointees serve the remainder of the term. The proposed sections expand this framework significantly. They define what creates a vacancy in an elected office (death, resignation, removal, moving, conviction, or failure to take the oath), establish removal procedures for elected and appointed officials, and provide detailed rules for filling vacancies in both elected offices and boards or commissions. The proposed text also clarifies term lengths, residency or business requirements, appointment and confirmation processes, and allows for unlimited consecutive terms for board and commission members. Overall, the proposed version is much more detailed, formalized, and provides clear guidance for creating, filling, and managing vacancies across all city offices and boards, whereas the existing is limited to a simple process statement.*

11. **See Proposed Charter Section 17:** 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.

Noteworthy Changes: *The existing charter paragraph requires all elected or appointed officials to take an oath of office and also requires certain officers, like the city administrator, to post bonds guaranteeing faithful performance and proper handling of city property. It also specifies that bonds are approved by the City Council, kept on file, and paid by the city if surety bonds are used. The proposed charter Section 17 keeps only the oath of office requirements, specifying it must follow Minnesota law and be filed with the city administrator, and removes all references to bonds, bond amounts, approval, and related procedures. Essentially, the proposed version simplifies the process by focusing solely on the oath and eliminating financial bonding requirements.*

12. **See Proposed Charter Section 9:** The compensation of all elective and appointive officers of the City shall be fixed by ordinance as permitted by State Statute.

Noteworthy Changes: *The existing paragraph states that pay for all elected and appointed city officials is set by ordinance, as allowed by state law. The proposed Section 9 keeps this same compensation rule but places it within a much broader section that also defines appointed officials, board and commission membership, term lengths, and eligibility requirements. In effect, the compensation policy itself does not change; it is simply carried forward and incorporated into a more comprehensive and organized framework governing appointed officials.*

13. **See Proposed Charter Section 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 partially 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.

***Noteworthy Changes:** The existing charter paragraph gives the mayor broad executive authority, including enforcing laws, overseeing other city officers, signing city documents, and detailing a veto process that can be overridden by a two-thirds council vote, as well as including penalties for mayoral misconduct. The proposed charter paragraph focuses mainly on tie-breaking votes, recommending measures to the council, and a more clearly defined ordinance and resolution approval process. It updates and clarifies timelines, assigns document handling to the city administrator, and clarifies the override vote requirement to five-sevenths of the council. Overall, the proposed version streamlines and modernizes the mayor's duties and defines a procedural veto process rather than broad executive authority.*

14. See Proposed Charter Section 20 and 23: 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.

***Noteworthy Changes:** The existing charter paragraph explains how the City Council selects a president and vice-president, their roles in running meetings, appointing committees, and stepping in for the mayor when needed. The proposed charter Section 23 keeps the same structure and duties but modernizes and clarifies the language, such as specifying a written ballot and using consistent terminology. Functionally, there is no substantive change to authority or responsibilities; the updates are primarily stylistic and organizational, making the provision clearer and more consistent with the rest of the charter.*

15. See Proposed Charter Section 31 and 32: 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.

Noteworthy Changes: *The existing charter paragraph establishes the city administrator as the chief administrative officer, gives the council broad authority to delegate powers and duties, and clarifies that delegation cannot infringe on the authority of the mayor, council members, boards, or commissions. The proposed charter Sections 31 and 32 expand and formalize this role, specifying appointment and removal procedures, duties, and powers in greater detail. It adds explicit provisions for attending meetings, exercising control over all city departments, commissions, and employees, and managing hiring, promotions, and discipline within city policies and labor agreements. Overall, the proposed version provides much more structure, clarity, and accountability for the city administrator role while maintaining the council's delegation authority.*

16. **See Proposed Charter Section 15:** 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. **See Proposed Charter Section 15:** 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. **See Proposed Charter Section 15:** 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. **See Proposed Charter Section 15**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. **See Proposed Charter Section 15:** 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.

See Section 12 for Added language related to City Council Function:

Noteworthy Changes: *This section is added to clearly define the role and authority of the City Council within the City's governance structure. The language confirms that all legislative and administrative powers of the City vest in the City Council, except where otherwise delegated by the charter or state law, and clarifies the Council's authority over municipal services. It further establishes the council-administrator form of government by specifying that the Council exercises control over municipal services through an appointed City Administrator rather than directly performing administrative functions. This addition reflects modern charter drafting practices by clearly separating policy-making and administrative responsibilities while maintaining consistency with Minnesota law.*

REMOVED: 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.

Noteworthy Removal: *The duties of the City Attorney are being removed in their entirety because the City will no longer appoint a City Attorney directly. Instead, the responsibilities, expectations, and scope of work will be governed by the existing agreement between the City and its contracted legal services provider. This eliminates the need for detailed charter provisions outlining attendance at meetings, legal advice, drafting documents, or representing boards, since all such duties are now handled under the contractual arrangement. Special counsel provisions are also removed, as they are no longer relevant under the contracted City Attorney model which is set and agreed upon by Council.*

DUTIES OF CITY OFFICERS

23. **See Proposed Charter Section 30:** All City officers shall perform such other duties as may be directed by the City Council by Ordinances, Resolutions or otherwise.

Noteworthy Changes: *The existing charter paragraph states that city officers must perform any duties assigned by the City Council. The proposed Section 30 keeps this same requirement but adds a clear obligation for officials to return all city property, documents, and materials when their employment or term ends. Essentially, the proposed version strengthens accountability and protects city records while retaining the existing directive that officials follow council-assigned duties.*

24. **See Proposed Charter Section 30:** 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.

Noteworthy Changes: *The existing charter paragraph addresses the requirement that city officers must return all city property, documents, and materials at the end of their term. The proposed Section 30 combines this requirement with the broader directive that all city officials must perform duties assigned by the city council. Essentially, the proposed version merges two responsibilities—performing council-assigned duties and returning city property—into a single, clearer section, while keeping the existing property-return requirement intact.*

25. **Removed:** 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.

Noteworthy Removal: *This provision, which requires the council to designate an official city newspaper for publishing ordinances and other matters, is being removed because Minnesota state law already governs public notice requirements for municipal governments. Cities are required to follow state statutes for legal publications, including where and how ordinances and official notices must be published. Eliminating this paragraph ensures the city charter does not conflict with or duplicate state-mandated procedures and relies on the statutory framework for official publications.*

26. **Removed:** 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.

***Noteworthy Removal:** This provision, which allows the City Council to contract for the city's job printing and set bonding requirements, is being removed because Minnesota state law already governs municipal contracting and procurement. Cities must follow state statutes regarding competitive bidding, contracts, and bonding for services, including printing. Removing this paragraph ensures the charter does not conflict with or duplicate state-mandated contracting rules, leaving procurement authority and requirements subject to state law.*

27. **See Proposed Charter Section 18:** 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.

***Noteworthy Changes:** The existing charter paragraph broadly prohibited any city officer from having a direct or indirect financial interest in a city contract, with strict penalties including voiding the contract, criminal misdemeanor, and forfeiture of office. The proposed Section 18 modernizes and clarifies conflict-of-interest rules: it defines what constitutes a personal financial interest, limits restrictions to situations where an official's interest is materially greater than others in the same business or profession and requires officials to disclose conflicts and refrain from participating in decisions. Unlike the existing, the proposed section focuses on transparency and disclosure rather than automatic criminal penalties or voiding contracts, aligning the rules with current state law and governance best practices.*

DUTIES OF THE CITY COUNCIL

28. **See Proposed Charter Sections 22 - 24:** 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. **See Proposed Charter Sections 22 – 24** 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.

***Noteworthy Changes:** The existing charter paragraphs combined council organization and meeting procedures into a single sections, describing the roles of the president and vice-president, quorum rules, and how regular and special meetings are conducted. The proposed version separates these topics into two sections: Section 23 focuses on council organization, including election of the president and vice-president, committee appointments, and acting mayor duties; Section 24 focuses on meeting procedures, clarifying notice methods (including electronic notice) and keeping minutes accessible to the public. Overall, the proposed version reorganizes the content for clarity, updates procedural language, and modernizes notice requirements while keeping the core rules about meetings, quorum, and special meetings intact.*

30. **See Proposed Charter Section 21:** 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.

***Noteworthy Changes:** The revised Section 21 modernizes and clarifies the City Council's powers over finances, property, and ordinances. It clarifies the vote thresholds for selling city real estate to five-sevenths of council members. The council retains authority to enact ordinances, resolutions, and rules, but the proposed language explicitly allows the council to impose fines and imprisonment for ordinance violations consistent with state law. Overall, the revision streamlines outdated phrasing, removes references to by-laws, and centralizes decision-making authority with the council while ensuring enforcement aligns with Minnesota law.*

31. **See Proposed Charter Section 36:** 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.

***Noteworthy Changes:** Both paragraphs address the City Council's authority to levy taxes beyond its standard limits for special purposes, particularly transit funding. The existing charter paragraph specifically allows exceeding levy limits by up to 3% for establishing or maintaining public or private bus/transit facilities, making the amount a permanent adjustment to the levy base, and includes authority for the Council to create ordinances imposing fines and imprisonment for violations. The proposed paragraph expands the framework, specifying multiple special levies: up to 9% for a permanent improvement/capital improvement fund, 1.5% each for community programs, senior citizens, and green space support, and up to 3% for transit operations. While the existing focused solely on transit, the proposed paragraph codifies a broader range of purposes and breaks them into specific percentages and designated funds. Both provide the Council authority over special levies, but the proposed version is more structured, diversified, and detailed in allocation.*

33. **See Proposed Charter Sections 25-29:** 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.

Noteworthy Changes: *The existing charter paragraphs establishes that ordinances, resolutions, and by-laws must pass by a majority vote of council members present, requires ordinances to be read twice (unless unanimous consent dispenses with the reading), and imposes a minimum one-week delay after publication before an ordinance takes effect. It also allows certain health-related ordinances to take immediate effect.*

The proposed sections expand and formalize these procedures. Voting is explicitly recorded in the minutes, and all ordinances or resolutions must be signed by the president and mayor and attested by the city administrator. Ordinances now have a formal enacting clause and are generally considered at two meetings with at least ten days between readings. Emergency ordinances and changes to the zoning map are considered at one meeting. Publication rules are updated to allow summaries for lengthy ordinances with charts or maps, and the effective date of ordinances and resolutions is clarified with distinctions for emergency ordinances.

Summary: *The updated provisions provide more detailed, structured procedures for voting, recording, signature, consideration, emergency designation, publication, and the effective date of ordinances and resolutions.*

34. **See Proposed Charter Sections 25-29:** 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.

Noteworthy Changes: *The existing charter paragraphs said that a certified copy of any city ordinance or resolution, or one recorded in official books or published compilations, could be used as evidence in court without further proof. The proposed sections replace this with a full*

set of procedures for how ordinances and resolutions are handled. They explain how votes are taken, how ordinances are signed and recorded, how and when they are published, and when they take effect. Emergency ordinances, multi-meeting review for regular ordinances, and summaries for long ordinances are also addressed. These changes keep the evidentiary reliability of ordinances and resolutions while providing a clear, organized process for city officials and the public to follow.

35. **See Proposed Charter Section 59:** 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.

***Noteworthy Changes:** The paragraph has been codified as Section 59, titled “Legal Liability,” to formalize its place within the charter. The content remains the same: the city council’s authority to abate or remove nuisances does not prevent legal action or proceedings in the courts. Minor formatting changes, such as using lowercase “city council,” were made to align with modern code style. No substantive changes to the meaning or effect of the law were made. Essentially, this update organizes the language for clarity and consistency within the charter.*

36. **Removed:** 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.

***Noteworthy Removal:** In cases of financial hardship, the Council is required to define the circumstances for such deferments by ordinance or resolution. It has been removed because under Minnesota Statute Chapter 429, the process for deferring or modifying special assessments is already governed by state law. Therefore, the city-specific provision is unnecessary and redundant, as the statute provides the legal framework for assessing, collecting, and deferring payments on special assessments, including provisions for financial hardship. Removing this paragraph ensures that the city charter aligns with state law and avoids conflicts or duplicative rules.*

37. **See Proposed Charter Section 34:** 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.

***Noteworthy Changes:** The existing charter paragraph focuses on how the City Council approves appropriations, requiring a majority vote with ayes and nays recorded, and restricts reconsideration unless the same number of members are present as when the original vote was taken. In contrast, the proposed charter paragraph broadens the City Council’s authority over all financial matters, including revenue collection, auditing, account settlement,*

safekeeping and disbursement of public funds, and payment of liabilities and expenses, while removing procedural details about voting on individual appropriations. The proposed language is more comprehensive and general, emphasizing overall financial control rather than the mechanics of individual votes. Notably, the requirement for recorded roll-call votes and restrictions on reconsidering votes has been removed. Overall, the change shifts from a procedural focus to a policy and oversight focus, streamlining the council's financial authority under the charter.

38. **See Proposed Charter Section 34:** 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.

***Noteworthy Changes:** The City Council's financial responsibilities have been broadened in the proposed paragraph. While the existing paragraph focused solely on auditing and adjusting accounts, the proposed language explicitly gives the Council authority over all financial matters, including revenue collection, asset management, and payment of liabilities. It also clarifies that the Council controls the safekeeping and disbursement of public funds. The changes consolidate financial oversight into one comprehensive provision. Overall, the update strengthens the Council's role in city financial management while maintaining compliance with the charter.*

39. **See Proposed Charter Section 34:** 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.

***Noteworthy Changes:** The existing paragraph specifically grants the City Council the authority to make purchases on behalf of the city, including specifying methods or designees, while excluding purchases made by the Public Utilities Commission, Park Board, or their departments. The proposed paragraph is broader, consolidating financial authority into a general statement of full control over all city finances, including collection, auditing, disbursement, and payment of liabilities, but it does not specifically mention purchasing procedures or exemptions for boards or commissions. Essentially, the proposed language centralizes financial authority and simplifies the text, removing the detailed procedural and exception language related to purchases. The noteworthy change is a shift from a focused purchasing authority to a comprehensive statement of overall financial control by the council.*

CHAPTER THREE

FINANCES

1. **See Proposed Charter Section 33:** The fiscal year of the City shall be the calendar year.

Noteworthy Changes: There is no substantive change to meaning or effect.

2. **See Proposed Charter Section 38:** 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

***Noteworthy Changes:** The requirement for City Council review and approval of all disbursements has been removed from charter language, however, is addressed under policy and added language for proposed charter Section 34 states that all financial control lies with the City Council. Now, all disbursements are to be made by check or electronic transfer and only need to be signed by the Mayor and countersigned by the City Administrator. This change streamlines the payment process and reduces the Council's direct oversight of routine disbursements. The language was slightly modernized, including lowercase titles for officials. Overall, the focus is now on procedural authorization rather than additional approval steps. The current policy and approval process by Council will remain in full affect.*

3. **See Proposed Charter Section 35 and 36:** 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.

***Noteworthy Changes:** The updated paragraph expands the City Council's tax levy authority beyond just a permanent improvement fund to all items in a broadened section versus multiple. While the permanent improvement fund remains capped at 9% of the previous year's levy, the proposed charter allows the same levies: 1.5% for community programs, senior citizen initiatives, and support of green spaces or arboretums, and up to 3% for transit operations. Funds from the permanent improvement levy are specifically transferred to the capital improvement fund. This change broadens the purposes for which taxes may be raised and provides clearer allocations for community services. Overall, the update organizes and consolidates the city's special levy powers while broadening the uses and providing clear percentage limits for each category in a single section.*

4. **See Proposed Charter Section 36:** 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.

***Noteworthy Changes:** The existing charter paragraph provided a limited description of levies, only referencing general taxation limits and a 1.5% levy for community action programs within the city. The proposed paragraph is much more detailed, establishing multiple designated funds and their purposes, including a permanent improvement fund for street projects,*

community action programs, senior citizen programs, arboretum or green space support, and transit operations. It also sets specific levy limits for each fund, such as 9% for street improvements, 1.5% for community and senior programs, and up to 3% for transit. Additionally, the proposed paragraph clarifies that permanent improvement funds are transferred to a capital improvement fund, expanding transparency and specificity. Overall, the update organizes and consolidates the city's special levy powers while broadening the uses and providing clear percentage limits for each category in a single section.

5. **Removed:** 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.

***Noteworthy Removal:** This paragraph required that before issuing any bonds, the City Council had to adopt a resolution at a regular or specially called meeting with a three-fourths majority vote, specifying the bond amount and purpose, recording it in full in the council proceedings, and publishing it according to the city charter. It was removed because Minnesota state law, particularly Chapter 475 and related statutes governing municipal bond issuance, already prescribes the procedures, voting requirements, and publication rules for issuing bonds. Maintaining this provision in the city charter was redundant and potentially conflicting with state law, so it was eliminated to defer entirely to the statutory requirements.*

6. **See Proposed Charter Section 37:** 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.

***Noteworthy Changes:** The existing and proposed paragraphs are similar, with only minor changes in formatting and phrasing. The proposed paragraph standardizes titles (e.g., "chair of the council personnel and finance committee" vs. "Chairman of the Finance Committee of the Council") and simplifies wording slightly, but the procedural requirements and deadlines remain identical. Both require submission of an annual estimate of city expenditures by September 1, detailing all fund requirements, anticipated non-tax revenues, and the tax levy needed to cover city expenses. The essence of the process—submitting a detailed budget to*

the City Council—is unchanged. Essentially, the update modernizes and clarifies language without altering the substantive duties or deadlines.

7. **See Proposed Charter Section 36:** 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.

Noteworthy Changes: The existing paragraph establishes a 1.5% levy specifically for senior citizen programs or a subsidized non-profit serving seniors. The proposed paragraph expands this approach into a more detailed framework for special levies, including not only the 1.5% for senior programs but also levies for community action programs, support for arboretums or green space organizations, and a 3% levy for transit operations. Additionally, the proposed paragraph consolidates all designated levies into one section, standardizes the percentages relative to the previous year’s total city levy, and clarifies that funds for street improvements are transferred to the capital improvement fund. Overall, the proposed language broadens the scope of levy purposes, provides more structure, and formalizes multiple funding streams that were not explicitly detailed in the existing paragraph.

8. **See Proposed Charter Section 36:** 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.

Noteworthy Changes: The existing charter paragraph provided for a single 1.5% levy of the prior year’s total city levy specifically for an arboretum or green space organization. In the updated Section 36, the City Council expanded the scope of special levies to include multiple designated purposes: a permanent improvement fund for street improvements, community action programs, senior citizen programs, and arboretum or green space support. The proposed language clarifies that the permanent improvement fund may use up to 9% of the prior year’s levy and that the arboretum levy is part of a broader set of 1.5% levies for multiple purposes. Additionally, the section allows a separate levy for transit operations not exceeding 3% of the prior year’s levy. Overall, the update organizes and consolidates the city’s special levy powers while broadening the uses and providing clear percentage limits for each category in a single section.

REMOVED: 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.

***Noteworthy Removal:** This section of the charter gave the City Council detailed authority over the organization and operation of the city's fire department, including purchasing equipment, building fire stations, establishing a paid department, appointing officers, and setting departmental rules. It was removed because city charters should focus on general governance and broad powers rather than addressing specific departments or operational details. Including such specifics limits flexibility and ties the charter to organizational structures that may change over time. By removing this section, the charter instead allows the Council to oversee public safety and municipal services in general terms without prescribing exact departmental arrangements, leaving operational and staffing decisions to ordinances, policies, or administrative action. This ensures the charter remains adaptable and focused on governance rather than day-to-day management.*

CHAPTER FIVE

PUBLIC UTILITIES COMMISSION

See Proposed Charter Sections 39-46

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.

Noteworthy Changes:

Organizational Structure and Appointment:

- **Existing Charter:** *The commission could self-organize, appoint its own president, vice-president, and secretary, and employ personnel, subject to council approval. Membership terms and residency requirements were not explicitly defined.*
- **Proposed Charter:** *Membership is explicitly defined—five members, residents or business owners in the city, appointed by the mayor and confirmed by the council, serving four-year terms with no limit on consecutive terms. Officers (chair and vice-chair) are elected by the commission biennially, and other officers may be appointed as needed.*

Scope of Duties and Powers:

- **Existing Charter:** *Focused on managing water, wastewater, and electric systems, with detailed operational authority including rate-setting, enforcement, litigation, and limitations on extending utilities beyond current service territories. Oversight of personnel, finances, and budgets was included.*
- **Proposed Charter:** *Broader and more flexible. The commission operates all utilities (electric, water, wastewater, stormwater, and sanitary sewer), manages capital construction projects, maintains infrastructure, sets and collects rates, and enforces service rules. It also handles contracts not subject to special assessments, uses city property for utility operations, and keeps funds in council-designated banks as is current practice.*

Council Oversight and Approval:

- **Existing Charter:** *Required council approval for personnel, budgets, and certain extensions of utilities. Rate authority for stormwater and wastewater collection required council resolution.*

- **Proposed Charter:** Council retains exclusive authority over special-assessment contracts (Minnesota Statute 429) and water, wastewater, stormwater, and sewer rates are set by the commission. Other day-to-day operational decisions are delegated to the commission.

Finances and Budgeting:

- **Existing Charter:** Finance director maintained detailed accounts, deposited funds, and followed BPU policy for transfers. Annual budgets and five-year capital plans were presented to council for approval.
- **Proposed Charter:** The commission presents an annual operating budget and capital improvement plan to the council, keeping funds in council-designated depositories. It emphasizes flexibility and fiscal management without detailing internal accounting positions.

Contracting and Legal Authority:

- **Existing Charter:** Commission could litigate in the city’s name but could not acquire real estate by purchase or condemnation. Extensions of utilities were restricted by service territories.
- **Proposed Charter:** Explicitly allows the commission to make and enforce contracts not subject to special assessments, giving clearer guidance on legal and operational authority.

General Governance Approach:

- **Existing Charter:** Highly prescriptive, detailing operations, appointments, utility extensions, rate-setting, and personnel in granular terms.
- **Proposed Charter:** More principle-based, focusing on broad governance, general powers, and flexibility, removing overly detailed operational and personnel prescriptions, and aligning more closely with modern governance standards for commissions.

CHAPTER SIX

THE PARK AND RECREATION BOARD

See Proposed Charter Sections 47-51

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.

Noteworthy Changes:

Board Structure and Membership:

- **Existing Charter:** *Did not specify appointment by the mayor or council confirmation, term lengths, or limits on consecutive terms. It only stated that the board should organize itself with officers.*
- **Proposed Charter:** *Formalizes the appointment process: five members, city residents, appointed by the mayor and confirmed by the council, four-year terms, no limit on consecutive terms, and vacancies filled for unexpired terms.*

Officers:

- **Existing Charter:** *Board selects a President, Vice-President, Clerk, and Treasurer; duties included keeping records and managing funds.*
- **Proposed Charter:** *Board elects Chair and Vice Chair for two-year terms, other officers as needed, with duties defined by the board. No separate Clerk or Treasurer roles are mandated.*

Duties and Powers:

- **Existing Charter:** Focused on direct operational powers, including coordination of services, soliciting volunteers, purchasing supplies, developing and maintaining facilities, and managing funds from donations or appropriations.
- **Proposed Charter:** Streamlines operational duties to general governance: setting recreation policies, supervising programs on city-owned or approved properties, enforcing laws and ordinances, approving leases under one year via council, preparing an annual budget, and performing additional duties as directed by the council. Explicit operational details, volunteer coordination, and handling of donations are no longer specified in the charter.

Budgeting:

- **Existing Charter:** Required an annual budget presentation prior to September 1, with explicit mention of funds from donations or gifts.
- **Proposed Charter:** Maintains the annual budget requirement but removes references to donations, gifts, and separate accounts, emphasizing that the budget is subject to council approval and includes such donations, gifts and separate accounts.

Overall Governance Approach:

- **Existing Charter:** Combined general governance with operational specifics, effectively micromanaging the board in the charter.
- **Proposed Charter:** Focuses on general governance, board organization, and high-level duties, leaving operational details and policies to the board and council.

CHAPTER SEVEN

PUBLIC LIBRARY BOARD

See Proposed Charter Sections 52-56

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.

Noteworthy Changes:

The existing Library Board section focused primarily on organizing officers, overseeing the library and its property, and maintaining accounting records with annual reporting to the City Council. It specified the duties of the Secretary regarding funds and required adherence to state library law. The proposed section is more structured, creating a formal board with five appointed members, defined terms of office, and a clear appointment and confirmation process. It formalizes regular meeting schedules, officer elections, and duties of the Chair and Vice Chair, similar to the Parks and Recreation and Public Utilities commissions. The proposed version also incorporates explicit budget and capital improvement planning responsibilities, and it emphasizes that additional duties may be assigned by the Council, making the charter section more about governance and oversight than day-to-day administrative detail.

Key Differences:

Membership & Terms: *The proposed charter specifies five members, term length (five years), and the process for filling vacancies.*

Officer Structure: *Chair and Vice Chair positions are formalized with two-year terms and defined roles; the existing version only named President, Vice-President, and Secretary without term limits.*

Meeting Frequency: *The proposed section mandates at least quarterly meetings; the existing version did not specify meeting frequency.*

Budgeting & Planning: *The proposed board must present an annual operating budget and capital improvement plan, which the existing version did not require.*

Governance Focus: *The proposed section emphasizes the board's powers and responsibilities in governance terms rather than operational details (e.g., Secretary's accounting duties are removed), aligning with charter best practices of general oversight.*

CHAPTER EIGHT
GENERAL PROVISIONS

[See sections 57-59 for updated language](#)

Removed: 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.

Noteworthy Changes: *The original charter includes language authorizing the City Council to compile, publish, distribute, sell, or exchange printed copies of City ordinances and selected resolutions. The revised charter removes this provision because it addresses administrative and operational practices that are already within the City's general legislative and administrative authority and are no longer tied to printed publication methods. Modern practice relies on electronic codification, online access, and routine administrative processes rather than charter-level direction. Removing this language streamlines the charter and avoids embedding outdated or procedural details that can evolve over time without affecting the City's fundamental governing powers.*

See Section 58: 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.

Noteworthy Changes: *The existing charter provision addresses enforcement actions for penalties and forfeitures but does so using older terminology and a lengthy list of regulatory sources, including by-laws and police and health regulations. The revised language modernizes and streamlines this provision by clearly tying enforcement authority to the charter and ordinances, using a concise section heading and simplified wording. While the structure and phrasing have been updated for clarity and consistency with modern charter drafting practices, the substantive legal effect remains unchanged—confirming that all actions to recover penalties or forfeitures must be brought in the corporate name of the City.*

Removed: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.

Noteworthy Changes: *The original charter provision restricts the remission or discharge of penalties or judgments in favor of the City to a two-thirds vote of the City Council and includes additional language addressing judicial authority over court decisions. The revised charter removes this section because matters related to court judgments, new trials, reversals, and sentencing discretion are governed by state law and judicial procedure and are outside the City Council's authority. Removal of this provision eliminates charter language addressing judicial functions that the Council cannot control. The substantive effect of this change is that the charter no longer imposes a supermajority voting requirement for Council action related to*

penalties or judgments, allowing such matters to be governed by general Council authority and applicable state law.

Removed: 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.

Noteworthy Changes: *The original charter includes a provision prohibiting City officers and employees from selling, disposing of, or converting City property for personal use without City Council authorization. This conduct is already addressed under Minnesota law, including state ethics, misuse of public funds, and theft statutes that apply to public officials and employees. The revised charter removes this duplicative provision and instead relies on existing state law and City policies to govern the handling and protection of public property. This approach aligns with modern charter drafting practices by avoiding redundancy while maintaining full legal accountability.*

Removed: 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.

Noteworthy Changes: *The existing charter includes language specifying the size and voter qualifications of the Charter Commission. These requirements are already fully governed by Minnesota Statutes, Chapter 410.05, which mandates that a home rule charter city's charter commission consists of no less than seven members who are qualified voters of the city and prescribes their appointment, terms, and duties. The revised charter removes this duplicative language and instead relies on state law to govern the Charter Commission, consistent with modern charter drafting practices and ensuring continued compliance without restating statutory requirements.*

See Proposed Charter Section 57 for Additional Added Language

Noteworthy Addition: *A severability provision has been added to the charter. This language clarifies that the charter's sections, provisions, clauses, phrases, and sentences are independent and severable. If any portion of the charter is found to be invalid or unenforceable by a court, the remaining provisions will continue in full force and effect. Including a severability clause is a standard modern charter practice and helps preserve the validity and operability of the charter as a whole in the event of a legal challenge.*

Adopted by ordinance on October 3rd, 2022.

Ordinance published on October 8th, 2022.

Effective December 30th, 2022

HOME RULE CHARTER CITY OF BRAINERD MINNESOTA

(2025)

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**

TABLE OF CONTENTS

Name, Boundaries, & Subdivisions3
Corporate Powers, Rights, & Obligations.....3
Form of Government.....4
Duties & Procedures of the City Council.....6
 Council Procedure.....6
Duties of the City Officials8
 City Administrator8
 Financial Management.....8
 Public Utilities Commission9
 Parks & Recreation Board.....10
 Library Board.....11
Miscellaneous Provisions.....12

DRAFT

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. 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.

In addition to the elected officials and city staff, there shall be three entities granted specific authority pursuant to this charter:

- (1) Public utilities commission;
- (2) Parks and recreation board; and
- (3) Library board.

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 public utilities 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, public utilities commissioner, parks and recreation board member, nor library board member 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 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.

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:

- (1) 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.
- (2) 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.

(3) 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.

(4) 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.

(5) 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.

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 if 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. 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 21. 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 22. 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 23. 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 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 action 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 within the city limits:

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.

Public Utilities Commission

Section 39. Public Utilities Commission. There is hereby created and established in the city a public utilities commission which shall meet monthly or at the call of the chair.

Section 40. Appointment and Confirmation: Commissioners. The commission shall consist of five members, each of whom shall be a resident of the city or have an ownership interest in a business within the city. 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. Public Utilities Commission Officers. At the regular meeting in January of each even-numbered year, the public utilities 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: Public Utilities Commission. The commission shall have the following duties and powers:

- (1) Operate electric, water, wastewater, and stormwater treatment and conveyance utilities and execute necessary actions for sustaining 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 the library 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 electricity, water, wastewater, and stormwater. The commission shall also 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 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.
- (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.

Section 45. Electric 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 public utilities commission.

Section 46. Public Utilities Exclusions. The Public Utilities Commission 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.

Parks & Recreation Board

Section 47. Parks and Recreation Board. There is hereby created and established in the city a parks and recreation board which shall meet monthly or at the call of the chair. The council shall maintain city parks for the use of the general public and designates this 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 48. 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 49. 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 board may deem necessary or proper shall be appointed as needed, and the board shall prescribe the respective duties of such officers, all of whom shall hold office at the pleasure of the board.

Section 50. 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 51. 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 52. Library Board. There is hereby created and established in the city a library board which shall meet at least 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 53. 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 54. 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 55. 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 56. 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 57. 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 58. 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 59. 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.

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