

# **CHAPTER 1 POWERS OF THE COUNTY**

## **Sec. 1.01      General Grant of Powers**

Except as this charter expressly provides to the contrary, Ramsey County shall have all powers possible for a county to have, as now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Minnesota, as fully as though each power comprised in that authority were specified in this charter.

## **Sec. 1.02      Construction of Powers**

In this charter no mention of a specific power is exclusive or restricts the authority that the county would have if the specific power were not mentioned. This charter shall be liberally construed within the limits imposed by this charter or the constitution or laws of the United States or the State of Minnesota. The county shall have all powers necessary or convenient for the conduct of its affairs, including all powers that counties may now or hereafter assume under the home rule provisions of the constitution and laws of Minnesota.

## **Sec. 1.03      Exercise of Powers**

All powers of the county shall be executed as provided by this charter, or, if the charter makes no provision, as provided by ordinance or resolution of the county board.

## **Sec. 1.04      Municipal Powers Reserved**

No existing function, duty, or power of any political subdivision within Ramsey County, other than Ramsey County and its agencies, is transferred, altered or impaired by this charter.

## CHAPTER 2 COUNTY BOARD OF COMMISSIONERS

### **Sec. 2.01      Composition: Terms, Qualifications and Compensation of Members**

- A. There shall be a Board of Commissioners of Ramsey County, (hereafter "county board"), State of Minnesota, composed of seven members elected by districts.
  
- B. Members of the county board shall be elected as provided in Chapter 7 of this charter, for terms of four years beginning the first Monday in January after their election; but members shall continue to serve until their successors have been elected and take office. The terms of the county board members shall be staggered as provided by law.
  
- C. Qualifications
  - 1. A person shall be eligible to be elected to or to hold the office of member of the county board if the person is an eligible voter of the county, has been a resident of the district from which the person is seeking election for 30 days, and has filed the affidavit of candidacy as required by state law. If a member ceases to be an eligible voter of the county or a resident of the district from which elected, or is convicted of a felony or any other offense which would create a vacancy in office as provided by the state constitution or other law, the member shall immediately forfeit the office.
  
  - 2. No county commissioner shall hold another elected office or be employed by the county during tenure as commissioner. No commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other item under consideration by the board. Every election and every contract or payment voted for or made contrary to this section is void. Any violation of this section is a malfeasance in office.
  
- D. Compensation
  - 1. The county board may determine the amount of the annual salary of its members by ordinance. The ordinance shall state the dollar amount of the annual salary and shall be passed by July 1 of the year prior to the effective date of the ordinance.
  
  - 2. The salary ordinance shall not be effective until the first business day of the following January. A petition asking for an election on the proposed ordinance, signed by registered voters of the county equal in number to ten percent of those who voted at the last general election for the office of President of the United States, is to be filed with the county within 30 days following its publication. The salary

ordinance, thus petitioned, shall not be effective until it has been approved by the majority of those voting on the question at a regular or special election.

3. Salaries thus fixed by ordinance shall remain in effect until changed by similar action, except that the board may at any time by ordinance fix such salaries in a smaller amount for any year.
4. Members of the county board shall receive their actual and necessary expenses incurred in the performance of their functions. The type and amount of expenses may be determined by the county board in the administrative code.
5. Fees, payments or other compensation paid to county board members, in exchange for representing the county, by outside boards, committees or other government agencies shall be remitted to the county treasury. Ramsey County may pay its board members additional fees for representing the county on outside boards, committees or other government agencies, provided that such payments are authorized in the annual salary ordinance.

#### **Sec. 2.02 Powers of the County Board**

The county board shall be the policy-determining body of the county. Except as otherwise provided by the Constitution of the State of Minnesota, or by this charter, the county board shall have all the powers of the county. Without limitation of the foregoing grant or of other powers given it by this charter, the county board shall have power:

- A. To appoint, review, and remove the county manager.
- B. To establish, structure, merge, or abolish any county department, office, agency, board or commission and to prescribe the function of any county department, office, agency, board or commission, with the following exceptions:
  1. That no function assigned by this charter to a particular department, office, agency, board or commission may be discontinued or assigned to any other unless the charter is amended; and
  2. That this section does not alter the obligation of the county to provide services mandated by state or federal law.
- C. Subject to the limitations provided by law:
  1. To levy taxes and special assessments;
  2. To issue debt instruments and borrow money; and
  3. To set fees and designate the collection and disposition of such fees by any county department, office, agency or board.

- D. To adopt a budget and to make appropriations for county purposes.
- E. To adopt and amend an administrative code.
- F. To make investigations into the affairs of the county and the conduct of any county department, office, agency, board or commission. For this purpose, the county board may authorize the county attorney to subpoena witnesses, administer oaths, take testimony and require the production of evidence. In the event that the office of county attorney is the subject of the investigation the county board shall obtain independent counsel. Any person who fails or refuses to obey any lawful order issued in the exercise of these powers by the county board shall be guilty of a misdemeanor.
- G. To enter into joint powers agreements as provided by state law.
- H. To require periodic and special reports concerning their activities from all county departments, offices, agencies, boards or commissions.
- I. To provide for an independent audit of the finances of the county.
- J. To adopt, amend or repeal ordinances and resolutions.
- K. To sell, lease or otherwise dispose of park property upon such terms as it considers best in the public interest. In the event the intended use is not consistent with park purposes, before disposal of any real property for such inconsistent use, the county board shall hold a public hearing as to the intended use of the property, after first providing at least twenty days written notice of the hearing date to the municipality in which the property is located and to all owners of land within 1,000 feet of the real property to be disposed.

Before the sale, lease or disposal of park property for any inconsistent use, the county board shall adopt, by resolution, a policy providing for no net loss of park, recreational or open space land and facilities. At a minimum, the policy shall provide that park, recreational and open space land acquired for such purposes may not be converted to another use unless such land and recreational facilities are replaced in an equivalent amount and of similar quality.

- L. To acquire by gift, devise, purchase or condemnation any property on such terms as the county board deems appropriate, and to sell or lease any property of the county, as needed for the full discharge of the powers and duties of the county, subject to this charter and state law.
- M. To contract for the acquisition, construction, or improvement of real property or buildings in a manner determined by the county board, to serve the interest of the public in regard to cost, speed, and quality of construction. Alternative construction procurement methods include, but are not limited to: (1) the solicitation of proposals for construction on a design/build basis and subsequent negotiation of contract terms; or (2)

the solicitation of proposals for a construction management agreement which may include a guaranteed maximum price.

**Sec. 2.03      Organization: Officers**

The county board shall elect from among its members a chair and a vice chair, each of whom shall serve at its pleasure. The chair shall preside at county board meetings. If at any meeting, the chair is not present or is unable to act, the vice chair shall preside at that meeting.

**Sec. 2.04      Procedure: Meetings, Rules and Record, Voting**

- A.      The county board shall meet at least twice each month at the times and dates established by the board at its first meeting in January of each year and on the days prescribed by the general laws of this state to transact any business that may properly come before the board.

All meetings shall be public. The county board by majority vote in a public meeting may decide to hold a closed meeting to consider issues allowed by law or judicial interpretations of the law, including strategy for labor negotiations, personnel matters and litigation.

- B.      Special meetings may be held on the call of the chair or of four or more members and, whenever practicable, upon no less than three days notice. All business conducted at the special meetings shall be confined to that stated in the notice.

Emergency meetings may be held because of circumstances that, in the judgment of the county board, require immediate consideration by the county board. As soon as practicable after notice has been given to county board members, good faith efforts shall be made to give notice to each news media in the same method used to notify the board members. This notice shall include the subject of the meeting, the date, time, and location.

- C.      The county board shall determine its own rules of procedure and order of business and shall provide for keeping a record of its official proceedings. The official public record shall be available in the office of the county manager and shall be distributed to all city halls and public libraries throughout the county within one week of approval.

- D.      Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the record. A majority of the county board shall be four (4) members. A majority shall constitute a quorum. No business shall be done unless voted for by a majority of the whole board, except as provided for elsewhere in this charter, but less than a majority may adjourn.

## **CHAPTER 3 COUNTY MANAGER**

### **Sec. 3.01 Appointment and Removal of the County Manager**

- A. The county board shall appoint a county manager and fix the manager's compensation and terms of employment. The appointment shall be based on executive and administrative qualifications and experience. The county manager need not be a resident of Ramsey County nor of the State of Minnesota at the time of appointment.
- B. The county board, upon the vote of four members for a resolution to remove, may remove the county manager from office at pleasure.
- C. By letter filed with the chair of the county board, the county manager may designate a qualified county administrative officer or employee to exercise the powers and perform the duties of county manager during the county manager's temporary absence or disability. If the county manager fails to make such a designation, or if there is a vacancy in the office of county manager, the county board shall designate by resolution a qualified person to perform this function.

### **Sec. 3.02 Powers and Duties of the County Manager**

The county manager shall be the chief administrative officer of the county and shall be responsible to the county board for proper administration of the affairs of the county and for carrying out the policies of the county board. The county manager shall:

- A. Appoint, review, transfer, suspend or remove all appointive department heads and the county manager's appointive staff, and authorize such department heads to appoint, review, transfer, suspend or remove subordinates in their departments, offices or agencies.
- B. Develop a proposed written administrative code which at minimum shall identify and define specific areas of accountability, delegation and reporting requirements for county departments, offices, agencies, boards and commissions, and shall enforce and maintain such administrative code after adoption by the county board by resolution.
- C. Attend county board meetings and participate in the county board's deliberations, but not vote on matters before the county board.
- D. Supervise the enforcement of county ordinances and compliance with the terms of all county franchises, leases, contracts, permits and licenses.
- E. Provide clerk services to the county board, provide notice of and keep a record of all county board proceedings.

- F. Prepare and submit the annual budget proposal and capital improvements plan proposal to the county board.
- G. Examine regularly the accounts, records and operations of every county department, office and agency, board or commission; make regular reports to the county board on county affairs; keep the county board fully advised on the financial condition and future needs of the county and make such recommendations on county affairs as deemed desirable.
- H. Submit to the county board at the end of the fiscal year a complete report on the finances and administrative activities of the county for the preceding year and prepare and make available for distribution to the public, after the end of each fiscal year, an annual report on county affairs during that fiscal year.
- I. Perform such other duties and exercise such other responsibilities as may be necessary and appropriate to the county manager's function as the head of county administration.

## **CHAPTER 4**

### **ADMINISTRATIVE DEPARTMENTS, OFFICES, AND AGENCIES**

#### **Sec. 4.01      General Provisions**

- A. The activities of departments, offices, and agencies shall be those established by this charter, by ordinance of the county board, or by other law. The activities of those departments, offices, and agencies shall be identified and defined in the administrative code and will be under the direction and supervision of the county manager.
- B. Each department, office or agency shall be administered by an officer appointed pursuant to the terms of this charter, subject to the direction and supervision of the county manager.
- C. County administrative officers appointed by the county manager may be suspended or removed by written order of the county manager. The suspension or removal shall take effect upon the signing of the order therefore; and the county manager, upon signing such an order, shall cause the officer concerned to be served immediately with a signed copy of the order. The action of the county manager in any such cases is final and shall not be subject to appeal.

With respect to all appointed department heads who are incumbents as of the effective date of this charter, the county manager may recommend removal of an incumbent to the county board for their vote on the recommendation.

- D. The foregoing provisions shall not apply to the elective offices of sheriff and county attorney.
- E. Such county officers or employees as the county board may provide shall give bond in the amount and with the surety prescribed by the county board. The premiums on such bonds shall be paid by the county.
- F. Ramsey County shall be an equal opportunity employer.

#### **Sec. 4.02      Purchasing Officer**

- A. There may be a county purchasing officer who shall be appointed by the county manager.
- B. The purchasing officer may contract with other governmental units to promote competitive bidding, effect economies in volume buying and provide better service.
- C. The purchasing officer shall require a performance bond for all contracts required to be bid by the Uniform Municipal Contracting Law as amended.

The purchasing officer may require a performance bond or alternative form of security for any other contracts.

**Sec. 4.03 Personnel Officer**

There shall be a county personnel officer appointed to the classified service by the county manager, subject to the approval of the county board, who shall administer the personnel system of the county in accordance with the personnel law.

## **CHAPTER 5 ORDINANCE AND RESOLUTION PROCEDURES**

### **Sec. 5.01 Ordinance: Definitions and Vote Required**

- A. In addition to such other acts as this charter or any other provisions of law required to be by ordinance, those acts of the county board which shall be by ordinance include the following:
1. Establish, structure, merge, or abolish any county department, office, agency, board or commission, except as provided for in this charter.
  2. Establish the annual salary for county board members.
  3. Authorize the bonding and borrowing of money.
  4. Authorize emergency appropriations as defined in this charter.
  5. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
  6. Grant, renew or extend a franchise.
  7. Convey or lease, or authorize the conveyance or lease of any park lands of the county.
  8. Adopt, with or without amendment, ordinances proposed under the initiative power.
  9. Amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter 8 of this charter with respect to repeal of ordinances reconsidered under the referendum power.
  10. Propose amendments to this charter.
- B. Except as otherwise provided in this charter, ordinances shall require an affirmative vote of at least four members.

### **Sec. 5.02 Ordinance Procedures**

Every proposed ordinance shall receive two readings: first, at the time it is presented, and second, at the time of the public hearing as required by law. Every proposed ordinance shall be read in full at the meeting at which it is presented; provided that full reading may be waived if a copy of the ordinance is supplied to each member of the county board prior to its introduction. At the first reading, a date will be set for the public hearing which shall be held no sooner than 10 days after the first reading. The second reading shall be at the public hearing and the ordinance may be passed at this meeting.

All ordinances, other than emergency ordinances, shall become effective thirty (30) days after passage, unless a later date is specified therein.

### **Sec. 5.03      Emergency Ordinances**

A public emergency is a sudden or unforeseen situation in the county affecting life, health, property, or the public peace or public welfare that requires immediate county board action. The county board may adopt one or more emergency ordinances. An emergency ordinance may not levy taxes; authorize the issuance of bonds; or grant, renew, or extend a franchise; provided however, that nothing in this section is intended to prevent the county from making an emergency appropriation or raising emergency revenues as authorized in this charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally except that it shall plainly be designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing it in clear and specific terms. An emergency ordinance may be passed with or without amendment or it may be rejected at the meeting in which it is introduced. The unanimous vote of the members present shall be required for the passage of an emergency ordinance. Emergency ordinances shall be effective upon passage and approval, unless a later date is specified in the ordinance, and shall be published once in any legal newspaper.

### **Sec. 5.04      Resolutions**

- A. All other acts of the county board shall be by resolution, including but not limited to, the following:
  - 1. Adoption and revision of the budget, except as otherwise provided in Chapter 10 of this charter.
  - 2. Adoption of a tax levy.
  - 3. The issuance and sale of notes, warrants, certificates, or other evidence of indebtedness of Ramsey County in anticipation of tax revenue from taxes levied but not collected.
  - 4. Authorization of emergency funding as defined in this charter.
  - 5. Adoption or amendment of the Administrative Code.
  - 6. Approval of collective bargaining agreements, setting wages, salaries, and other terms and conditions of employment, except setting the salaries of county board members.
  - 7. Approval or amendment of the Personnel Rules provided that such approval or amendment by resolution shall receive two readings by the county board and that such readings be at least one week apart.
  - 8. Acquisition by gift, devise, purchase or condemnation any real or personal property, and the sale or leasing of any property of the county as needed for the full discharge of the powers and duties of the county; park land is not included in this section.

9. Execution of a contract or agreement with a municipal corporation.
- B. Except as otherwise provided in this charter, resolutions shall require an affirmative vote of at least four members.

**Sec. 5.05 Resolution Procedure**

Every resolution shall be presented in writing and read in full before a vote is taken unless the reading of the resolution is dispensed with by unanimous consent. Resolutions shall become effective upon approval.

**Sec. 5.06 Ordinances and Resolutions**

Each ordinance or resolution shall relate to a single subject which shall be expressed clearly in its title. The enacting clause of each ordinance shall be "The Board of Commissioners of the County of Ramsey does ordain..."

**Sec. 5.07 Codification**

The county board shall provide for the codification of ordinances and the compilation of resolutions. Any certified copy of any ordinance or resolution shall be prima facie evidence of its adoption and shall be admitted as evidence in any court without further proof.

## **CHAPTER 6**

### **COORDINATION OF OPERATIONAL SERVICES AND PLANNING**

#### **Sec. 6.01 County Coordination: Powers and Duties of the County Board**

- A. In addition to its other powers and duties, the county board shall assume responsibility to coordinate county-wide operational services, strategic planning, tactical planning, and public data and information systems planning.
- B. The county board may coordinate these planning functions through existing departments, citizen volunteers and also shall work with other local governmental units, including school districts, watershed districts, and any appropriate regional planning organizations to establish goals, objectives, and implementation plans which will provide the most efficient, effective delivery of services by the appropriate level of government.
- C. The county manager shall prepare all strategic, tactical and public data and information system recommendations and reports for consideration by the county board. The board may make such modifications it deems necessary to any proposed plans pursuant to any public hearing requirements that may apply.
- D. To achieve the cooperative delivery of operational services, strategic planning, tactical planning and public data information systems planning, the county board may join with any other governmental unit(s) in a joint exercise of power.
- E. The pertinent portions of the county's strategic, tactical and public data and information system programs shall be integrated to the maximum extent possible in the county's annual operations budget. In addition, the geographic information system's budget may provide for grants or matching funds to local governmental units located in Ramsey County.
- F. Beginning in the year 2002, the county shall prepare a comprehensive strategic plan periodically but must adopt such a plan every ten years starting with year 2013.
- G. When the county manager submits the annual proposed budget to the county board, such budget shall also be provided to the charter commission. The budget document shall identify clearly any proposed programs and associated monies included for implementation of strategic, tactical and public data and information systems programs.

The commission shall review and may comment upon the county manager's budget proposals in terms of whether, in the view of the commission, such proposals implement the requirements set forth in the

section for strategic, tactical and public data and information systems planning.

If the commission chooses to comment, their remarks must be filed with the board's clerk at least three weeks prior to the board's budget adoption.

**Sec. 6.02 County Plan**

- A. The county plan shall specify each area for coordination and shall contain a statement of the goals and objectives and a plan for implementation. The plan shall be based on studies of physical, social, health, human services, economic, and governmental conditions and trends and shall be designed to coordinate service delivery in the county and to promote the general welfare and prosperity of its people.
- B. The planning documents in each area should be coordinated with existing planning cycles and be adopted within two years after the effective date of the charter. The plan will be reviewed and updated by the county board on a regular basis.
- C. In addition to the plans for coordination, the plan shall include an official map incorporating the comprehensive plans of the local governmental units and service sites within the county.
- D. The plan shall set forth the county board's policy regarding the coordination of service delivery with other units of government, including recommendations for:
  - 1. A system of thoroughfares, highways, streets and other public ways;
  - 2. A system of public open spaces, parks, and playgrounds;
  - 3. The location, relocation, and improvement of public buildings of county-wide significance;
  - 4. A transit system;
  - 5. The availability and location of public and elderly housing;
  - 6. An adequate system of drainage facilities and control;
  - 7. A solid waste management system;
  - 8. An integrated law enforcement system;
  - 9. An emergency services system;
  - 10. A human service delivery system;
  - 11. A public health service system; and

12. Such other matters as may, in the judgment of the county board, be beneficial to the county.
- E. The county board may also review and comment on areas of coordinating policy development including at least the following areas:
1. The coordination of land use plans within the county through the local units of government;
  2. Service delivery as it relates to development and density of development;
  3. The general location and extent of development of public utilities and terminals, whether publicly or privately owned;
  4. Economic development; and
  5. Such other matters which the county board deems necessary for review to protect the health, safety, and welfare of the residents of the county.

## **CHAPTER 7 NOMINATIONS AND ELECTIONS**

### **Sec. 7.01      Nominations & Elections**

The nomination and election of any Ramsey County elected official shall be governed by state law, except as herein provided.

### **Sec. 7.02      Forfeiture of office**

If a Ramsey County elected official is convicted of a felony, pleads guilty to a felony level offense, or is found guilty of a felony level offense, the elected official shall forfeit the office as of the date the guilty plea or verdict is entered by the court.

### **Sec. 7.03      Vacancy in positions of County Attorney and Sheriff**

A vacancy in the office of county attorney or sheriff shall be filled by county board appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular county election (held every even numbered year in November), the appointed person shall serve only until the qualification of a successor elected at the next election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the next regular county election, the appointed person shall serve the remainder of the term.

## **CHAPTER 8 INITIATIVE, REFERENDUM, AND RECALL**

### **Sec. 8.01 Initiative, Referendum, and Recall**

The people shall have the right to propose ordinances, to require ordinances to be submitted to a vote and to recall elective officials by processes known respectively as initiative, referendum, and recall.

The initiative and referendum processes apply to all ordinances and matters that may be the subject of an ordinance.

The initiative, referendum, or recall processes will be used in a manner consistent with the rights protected by the state and federal constitutions and laws.

### **Sec. 8.02 Petition**

Recall petitions shall be as provided by state law.

An initiative or referendum shall be initiated by a petition signed by registered voters of the county equal in number to ten per cent of those who voted in the county for the office of President of the United States in the last general election.

- A. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by this charter.
- B. Signers of the petition shall sign and print their name and provide the street address of their residence.
- C. Each separate page of the petition shall have appended thereto a certificate, verified by oath that each signature was affixed by the person purporting to have signed the same in the presence of the person making the certificate. The person making the certificate shall be a resident of the county.
- D. Any person whose name appears on a petition may withdraw their name by a statement in writing filed with the county manager before the manager advises the county board as to the sufficiency of the petition. Any name appearing on any petition which does not comply with the foregoing requirements shall be stricken, and no names shall be counted which have not been verified.

### **Sec. 8.03 Determination of Sufficiency**

- A. Any petition seeking initiative, referendum, or recall hereunder shall be deemed received by the county board when it is filed with the county manager, for which filing there shall be no fee. Immediately upon receipt

of the petition, the county manager shall examine the petition as to its sufficiency and report to the county board within thirty days. Upon receiving the report, the county board shall determine by resolution the sufficiency of the petition.

B. Sufficiency requires:

1. A qualifying statement,
2. Qualified signatures of registered voters,
3. Verification of signatures, and
4. The names of petitioners who have withdrawn or have not qualified and whose names are stricken and are not to be counted.

**Sec. 8.04 Disposition of Insufficient Petitions**

If the county board determines that the petition is insufficient or irregular, the county manager shall deliver a copy of the petition to the person or persons therein named to receive it, together with a written statement of its defects. The persons circulating the petition shall be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If, at the end of that period, the county board finds that the petition is still insufficient or irregular, the petition shall be filed in the office of the county manager and the persons circulating the petition shall be notified of the defect. The final finding of insufficiency or irregularity shall not prejudice the filing of a new petition for the same purpose nor, in the case of an initiated or referred ordinance, shall it prevent the county board from referring the ordinance to the voters at the next regular or special election at its option.

**Sec. 8.05 Initiative**

Any ordinance may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the ordinance sought to be proposed. If the county board fails to enact the ordinance without change within sixty days after the filing of the petition with the county manager, it shall be placed on the ballot at the next general election occurring in the county. If no election is to occur within 120 days after the filing of the petition, the county board shall, within such 120 day period, call a special election on the ordinance. If a majority of those voting on the ordinance vote in its favor, it shall become effective immediately.

**Sec. 8.06 Referendum**

Any ordinance may be subjected to referendum by a petition filed within forty-five (45) days after its publication. The petition shall state, at the head of each page or in an attached paper, a description of the ordinance involved. Any ordinance upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found sufficient. If the ordinance is not thereafter entirely repealed, it shall be placed on the ballot at the next election, or at a special election called for that purpose, as the county board shall determine. The ordinance shall not become operative until a majority of those voting on the ordinance vote in its favor.

If a petition is filed against an emergency ordinance, the ordinance shall remain in effect, but shall be placed on the ballot at the next election or a special election called for that purpose, and shall be repealed if a majority of those voting on the ordinance vote to repeal it.

**Sec. 8.07 Recall**

Recall procedures will be in accordance with state law which requires a showing of malfeasance or nonfeasance in office.

**Sec. 8.08 Repeal of Ordinances Submitted to Voters**

No ordinance adopted by the voters on initiative or ordinance approved by referendum shall be repealed within one year after its approval.

**Sec. 8.09 Limit on Frequency of Repetition**

No question may be put to the electorate by initiative, referendum, or recall more than once in any 12 month period. Subsequent submissions shall be placed on the ballot at a primary or general election.

## **CHAPTER 9 TAXATION AND BONDING**

### **Sec. 9.01 Authority**

The county board shall have full authority over the financial affairs of the county except as limited by the State Constitution or this charter. This authority shall include the power by resolution to assess, levy, and collect taxes on all subjects or objects of taxation, and by ordinance to issue bonds, except as limited or prohibited by the State Constitution or this charter.

### **Sec. 9.02 Taxing Authority**

The county board may levy annually on all taxable property in the county the following taxes:

1. A tax for general county purposes.
2. Taxes required for the payment of principal and interest on bonds, levy certificates, and other obligations of the county.
3. Other taxes authorized by law without regard to charter or statutory limitations.

### **Sec. 9.03 Certification of Tax Levy**

After the adoption of the budgets as prescribed in this charter, the county board shall adopt a tax levy resolution showing the amount which must be provided by an ad valorem tax on all taxable real and personal property in the county. In addition to the amount required to be provided, the county board in the adoption of a tax levy resolution may include a reasonable allowance for uncollectibles. The tax levy resolution shall be certified in accordance with law.

### **Sec. 9.04 Tax Anticipation Obligations**

The county board, by resolution, may issue and sell notes, warrants, certificates or other evidence of indebtedness of Ramsey County in anticipation of tax revenue from taxes levied but not collected. The total amount of the indebtedness outstanding at any time shall not exceed 80 percent of the taxes levied by the county for the year before the one in which the certificates are issued. The indebtedness shall mature not later than three months after the anticipated date of receipt in full of the taxes so anticipated. The indebtedness shall be negotiable and shall bear interest before and after maturity at such rate or rates as the county board shall determine and shall otherwise be issued in accordance with this charter.

## **Sec. 9.05      Bonding**

Ramsey County by ordinance and without an election may issue general or special bonds, notes, obligations, or evidence of indebtedness for any authorized corporate purpose. Such indebtedness may otherwise be issued on such terms, and at such rate or rates as the county board shall determine consistent with Minnesota Statutes relating to public indebtedness.

The proceeds of indebtedness shall be applied to the purpose for which the indebtedness is issued and may be applied to the payment of any necessary, desirable or incidental expenses related thereto.

Notwithstanding any provision of this charter, the county may issue indebtedness for emergency borrowing as provided in Chapter 10. The certificates of indebtedness for emergency borrowing shall not be included in the net debt of the county.

The aggregate principal amount of indebtedness of the county outstanding at any time shall not exceed the statutory limitations on indebtedness under Minnesota Statutes, Chapter 475, for which purpose there shall not be counted any indebtedness excepted from the calculation of net debt by general or special law.

## **CHAPTER 10 BUDGET**

### **Sec. 10.01 Budget**

- A. Each year the county board shall prepare a budget for the ensuing fiscal year. The budget shall provide a complete financial plan of all county funds and activities for the ensuing fiscal year, and be in the form that the county board considers desirable. The budget shall include a clear general summary of its contents; show, in detail, all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and be arranged so as to show comparable figures for the last fiscal year expenditures, the current fiscal year approved budget, and the proposed budget for the next fiscal year. It is to indicate in separate sections:
  - 1. Proposed expenditures for current operations, including debt service, during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs.
  - 2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.
- B. The county board may create a tort liability fund by carrying forward an unexpended liability appropriation balance from one fiscal year to the next.
- C. The total of proposed expenditures shall not exceed the total of estimated income.
- D. The county board must make the proposed budget available to the public and hold a public hearing prior to adopting the budget.
- E. The annual budget shall be adopted by resolution of the county board.

### **Sec. 10.02 Budget Process**

- A. Notice and Hearing:

The county board shall adopt its budget and tax levy after such notice and hearing as required by law.

B. Appropriations and Tax Levy:

Adoption of the budget by the county board constitutes appropriations of the amounts specified therein as expenditures from the funds indicated and constitutes a levy of the tax therein proposed.

**Sec. 10.03 Administration of Budget**

A. Ramsey County shall pay for obligations in accordance with appropriations duly made and payment shall be made in accordance with methods and procedures that the county board establishes and approves.

B. Appropriation and Certification of Unencumbered Funds:

1. No payment shall be made or obligation incurred against an allotment or appropriation except in accordance with appropriations duly made and unless the county manager first certifies that there is a sufficient unencumbered balance in the allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.

2. An authorization of payment or incurring of obligation in violation of the provisions of this article is void and a payment so made illegal.

**Sec. 10.04 Amendments After Adoption**

A. Supplemental Appropriations:

The county board may make a supplemental appropriation of funds to a county departmental budget during the course of a budget year. This appropriation shall authorize the use and expenditure of funds accruing to the county which were not derived from taxation by the county board and not anticipated in the budget as estimated receipts.

B. Transfer of Appropriation:

The county board may, by resolution, transfer part or all of any unencumbered appropriation balance or unappropriated funds from one department, office or fund to another department, office or fund.

C. Emergency Appropriations:

Declaration of Emergency: the county board may pass an emergency ordinance which declares a public emergency to exist. A public emergency is a sudden or unforeseen circumstance in the county affecting life, health, property, public peace, or public welfare that requires immediate county board action.

D. Emergency Revenues:

Once an emergency has been declared, the following sources of revenue may be used to meet the emergency:

1. The Board may, by resolution, transfer part or all of any unencumbered appropriation balance or unappropriated funds from any department, office, or fund to respond to the emergency.
2. The county board may, by a unanimous vote of those present, pass a resolution authorizing the issuance of emergency notes. These notes may be renewed from time to time but the emergency notes and renewals in a fiscal year shall be paid no later than the last day of the fiscal year following that in which the emergency appropriation was made.
3. The county board may, by a unanimous vote of those present, pass a resolution authorizing the issuance of bonds or other evidences of indebtedness without an election consistent with the legal authority Ramsey County has been given to issue bonds and other evidences of indebtedness.

These bonds or evidences of indebtedness shall become due and payable in not more than five years from the date of issue.

4. The county board may, by resolution and a unanimous vote of those present, borrow funds and pledge the credit of the county. The county may borrow either from the State of Minnesota, federal governmental sources, or from private sources. These borrowed funds may be renewed from time to time but the emergency borrowed funds and renewals in a fiscal year shall be paid no later than the last day of the fiscal year following that in which the emergency appropriation was made.

**Sec. 10.05 Capital Improvements Plan**

- A. The county board shall prepare a five year capital improvements plan to include:
1. A clear, general summary of its contents;
  2. A list of all capital improvements costing over a specified dollar amount designated by the county board which are proposed to be undertaken during the next five ensuing fiscal years with appropriate information to show the necessity for these improvements;
  3. Cost estimates, method of financing, and recommended time schedules for each of these improvements;
  4. The estimated cost of operating and maintaining the facilities to be constructed or acquired; and

5. The estimated cost for debt service for capital expenditures. These will be financed from current revenues in the ensuing fiscal year and shall be included in the budget as well as in the capital program. Appropriations for such expenditures shall be included in the budget.

B. Hearings, Date for Adoption, Submission of Capital Budget:

1. Annually, the county board shall cause to be prepared a recommended capital improvements budget for the ensuing fiscal year. The proposed budget shall then become a public record.
2. The above information shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

C. Adoption of Capital Budget.

The capital budget shall be adopted by resolution of the county board.

# **CHAPTER 11 CHARTER PROVISIONS**

## **Sec. 11.01 Charter Provisions**

An annotated version of this charter, which notes any provisions superseded by law, shall be maintained by the Ramsey County Attorney.

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Any citations to particular laws or statutes contained in this charter shall be deemed to include amendments to such laws or statutes which may be adopted subsequent to the effective date of this charter.

## **Sec. 11.02 Amendment of the Charter**

### **A. Proposal of Amendments:**

Home rule charter amendments may be proposed by a charter commission or by a sufficient petition of five percent of the number of voters registered as of the last previous state general election in the county.

The county manager shall verify the sufficiency of the petition to the Ramsey County Charter Commission which shall declare the sufficiency of the petition.

The county board may, by ordinance, propose charter amendments to the Ramsey County Charter Commission. Within 60 days the commission shall review the proposed amendment and may extend the time for 90 days by filing with the county manager the resolution determining that an additional time for review is needed. After reviewing the proposed amendment, the charter commission shall approve or reject the proposed amendment or suggest a substitute amendment. The county board shall submit the amendment approved by the charter commission, either as originally proposed or the substituted amendment, to a vote of the electorate.

### **B. Adoption of Amendments:**

A proposed amendment shall be submitted to a vote in the county at the next general election. The amendment shall be adopted if it is passed by the same majority required for adoption of the charter. It will take effect in 30 days after the election has been certified or at such other time as is fixed in the amendment.

Upon recommendation of the charter commission, the county board may enact a charter amendment by ordinance by an affirmative vote of all its members after a public hearing upon two weeks published notice containing the text of the proposed amendment. An ordinance amending the charter shall not become effective until 90 days after passage and is subject to referendum.

C. Abandonment of Home Rule Charter

A proposal to abandon the charter shall be presented, adopted, and become effective in the same manner as a charter amendment. The proposal shall include provisions for transition to a statutory county form of government.

**Sec. 11.03 Charter Commission**

A seventeen member standing Ramsey County Charter Commission shall be appointed by the District Court. Of the seventeen members appointed, one from each commissioner district shall be appointed for a two year term, and one from each district for a four year term. Two of the at-large members shall be appointed for two-year terms and one for a four-year term. All subsequent terms shall be four year terms. No person shall be appointed to more than two successive terms as a commission member.

The county board shall provide the necessary funds for the charter commission to operate.

The county attorney shall be the attorney for the charter commission.

The charter commission members shall periodically review the charter and propose any necessary amendments. The commission shall review any proposed amendments, declare the sufficiency of a petition, prepare a summary of any proposed amendment, recommend any revisions to proposed amendments, and submit proposed amendments to an election.

## **CHAPTER 12 TRANSITIONAL PROVISIONS**

### **Sec. 12.01 Effective Date**

This charter shall take effect two years after adoption of the charter form of government by the voters of Ramsey County. The effective date shall be November 6, 1992 if adopted at the November 6, 1990 election.

### **Sec. 12.02 Continuity**

- A. The taking effect of this charter causes no break in the existence or legal status of the county.
- B. All rights, claims, causes of action, contracts, and legal and administrative proceedings of the county that exist just before the charter takes effect continue unimpaired by the charter after it takes effect.
- C. All county ordinances, resolutions, orders, rules and regulations that are in force just before this charter takes effect remain in force after that time, insofar as consistent with the charter, without change until amended or repealed.
- D. All elected officials of the county who are in office when this charter takes effect shall continue in office for the term for which they were elected, consistent with provisions of this charter and state law.
- E. The status of county employees shall not be affected by the taking effect of this charter. Personnel matters relating to county employees shall continue to be governed by Minnesota Statutes Sections 383A.281 to 383A.301 and Sections 197.455 to 197.48 as amended.
- F. All appointed department heads who are incumbents as of the effective date of this charter may be removed by the county manager only with the approval of the county board.

### **Sec. 12.03 Special Laws Superseded**

- A. The following special laws have been superseded by charter provisions:  
  
Minn. Stat. Sec. 383A.04, relating to tax anticipation warrants, is superseded in its entirety by Charter Section 9.04.
- B. In Minn. Stat. Sec. 383A.06, Subd. 2, the following language is superseded in its entirety by Charter Section 9.05:

If the board of commissioners of Ramsey county decides to issue bonds for the relief of the poor, the board shall first submit the

question of the issuance of the bonds to a referendum of the voters of the county at a special election called for that purpose, or at a general election. No bonds of this type may be issued unless a majority voting on the question at the election vote in favor thereof.

- C. Minn. Stat. Sec. 383A.06, Subd. 3, relating to the services of the St. Paul Corporation Counsel, is superseded in its entirety as unnecessary and inapplicable.
- D. Minn. Stat. Sec. 383A.07, Subd. 6, relating to sale or disposal of surplus tracts of park property, is superseded in its entirety by Charter Section 2.02 K.
- E. Minn. Stat. Sec. 383A.07, Subd. 15, relating to a negative referendum for park resolutions is superseded in its entirety by Chapter 8 of the charter.
- F. Minn. Stat. Sec. 383A.07, Subd. 20 relating to fish hatcheries is superseded in its entirety as unnecessary and inapplicable.
- G. Minn. Stat. Sec. 383A.16, Subd. 4 (b) which places a \$2,500 limit on county road construction projects performed for a municipality is superseded in its entirety.
- H. Minn. Stat. Sec. 383A.16, Subd. 5 relating to Lexington Avenue is superseded in its entirety.
- I. Minn. Stat. Sec. 383A.20, Subd. 1 relating to internal county reorganization is superseded by Charter Section 2.02 B.
- J. Minn. Stat. Sec. 383A.20, Subd. 6, 7, 8 and 9, all relating to surety bonds, are superseded by Charter Section 4.01 E.
- K. Minn. Stat. Sec. 383A.20, Subd. 10, relating to automobile allowances, is superseded to the extent it is inconsistent with Charter Section 2.01 D.4.
- L. Minn. Stat. Sec. 383A.20, Subd. 11 relating to office space is superseded in its entirety.
- M. Minn. Stat. Sec. 383A.23, Subd. 1 relating to the composition of the county board is superseded by Charter Section 2.01 A.
- N. Minn. Stat. Sec. 383A.24 which establishes the terms for county commissioners is superseded in its entirety by Charter Section 2.01 B.
- O. Minn. Stat. Sec. 383A.25 relating to compensation for county commissioners is superseded in its entirety by Charter Section 2.01 D.
- P. Minn. Stat. Sec. 383A. 32, Subd. 1 is superseded by Charter Section 4.02 A., in the event that Ramsey County chooses to have its own purchasing officer.

- Q. Minn. Stat. Sec. 383A.32, Subd. 3, relating to performance bonds, is superseded in its entirety by Charter Section 4.02 C.
- R. Minn. Stat. Sec. 383A.45, regarding the budget is superseded in its entirety by Charter Section 10.01.
- S. Minn. Stat. Sec. 383A.46, regarding the capital program, is superseded in its entirety by Charter Section 10.05.
- T. Minn. Stat. Sec. 383A.48, regarding appropriations and tax levy, is superseded in its entirety by Charter Section 10.02 B.
- U. Minn. Stat. Sec. 383A.49 regarding amendments after adoption is superseded in its entirety by charter section 10.04.
- V. Minn. Stat. Sec. 383A.50, Subds. 1 and 3 regarding administration of the budget are superseded in their entirety by Charter Section 10.03.

**Sec. 12.04 General Laws Superseded**

- A. In Minn. Stat. Sec. 375.08, the following language regarding a vacancy in the positions of county attorney or sheriff is superseded by Charter Section 7.02:

The person appointed shall serve the remainder for the term.