

CHAPTER 2. ADMINISTRATION

Section 9. Ballot at City Election. The names of all candidates to be voted on at any general City election or special election for City purposes shall be placed on one ballot. Regardless of whether they are contested or uncontested, the offices on the ballot shall be in the following order: Mayor; Council Member; ~~Board of Estimate and Taxation Member~~; Park and Recreation Commissioner at Large; Park and Recreation Commissioner by District; ~~Library Board Member~~.

CHAPTER 15. BOARD OF ESTIMATE AND TAXATION

Section 1. Composition of Board of Estimate and Taxation. There shall be in the City of Minneapolis a Board of Estimate and Taxation, consisting of the members of the City Council. The exercise of any of the powers of this Chapter by the City Council or the Board of Estimate and Taxation are actions subject to the powers and duties of the Mayor as provided in Chapter 3, section 1 of this Charter. ~~Mayor, the President of the City Council, the Chair of the Committee on Ways and Means/Budget* of the City Council, an elected member of the Library Board as designated by the board at its annual meeting each year by a majority vote of all of its members, the President of the Board of Park Commissioners or such other member thereof as the Board may designate at its annual meeting each year, and two qualified electors to be elected at large for terms of four years each commencing on the first business day of January following their election. The two elected members shall be elected in 1989 and every four years thereafter at the General Municipal Election. Vacancies occurring in the office of any of the elective members shall be filled for the unexpired term by appointment by the Mayor, subject to the confirmation of the City Council. Before entering upon the discharge of the duties of the office each member of the Board shall make and file with the City Clerk an oath promising to faithfully discharge the duties of the office. The President and Vice President of the City Council shall serve as the President and Vice President, respectively, of the Board. The Board shall elect a President and a Vice President from its own members and shall adopt, and from time to time amend and change, rules governing the calling and holding of meetings and its own procedure. The City Finance Officer shall be the accounting official for Board. The Board, subject to the provisions of the Civil Service Chapter of this Charter, shall have power to appoint a Secretary and such other employees as it may deem necessary and shall fix their salaries and determine their duties. Meetings shall be held at least once a month year and from time to time throughout the year as the business may require. All members except those receiving other compensation from the city in excess of ten thousand dollars (\$10,000.00) per year shall receive thirty-five dollars (\$35.00) per diem but not to exceed one thousand seven hundred fifty dollars (\$1,750.00) per year, as full compensation for their services on the Board. Members shall not receive a per diem or salary in addition to that received as a member of the City Council.~~

Section 2. Budgets to Be Submitted to Board. Every office, department, board, commission and other agency of the City financed in any way by appropriations of the City Council, or having any power to levy taxes, shall, on or before the 1st day of July of each year, submit to the Board of Estimate and Taxation and to the Mayor, budget information for the following fiscal year. Such budget information shall include a statement of proposed expenditure, the revenue from all sources and a recommended program for capital improvements for the ensuing five-year period. The Board of Estimate and Taxation shall, on or before the 5th day of October of each year fix and determine the maximum amount of money and maximum rate which may be raised in the aggregate by general taxation by the City Council, board or department for each such fund, and no general taxes shall be levied in such year in excess of the amounts so fixed. The City Council shall as soon as practicable prescribe a form or forms and the classification of titles for the budget estimates of the City Council and of every board and department of the City required by this section to submit budget information. The form or forms and the classification of titles so prescribed shall thereafter be followed and complied with by each department in preparing budget estimates.

Section 3. Certificates of Indebtedness Authorized to Cover Preliminary Expenses. The Board of Estimate and Taxation shall have the power to levy for its own expenses upon all the taxable property of the city, real and personal, a tax not exceeding one-fifteenth of a mill upon the taxable property of the city, and cause such levy to be certified to the County Auditor and the County Auditor shall include the same with and as part of the general taxes for state, city and county purposes, to be collected and enforced therewith together with like penalties, interest and costs, and the County Treasurer upon collection shall transmit the proceeds of such levy to the City Finance Officer, to be placed in the Board of Estimate and Taxation fund. All expenditures to be paid from such funds shall be approved by the board.

Section 4. Exceeding of Appropriation a Misdemeanor. The City Finance Officer shall at the beginning of every fiscal year and from time to time thereafter, charge against each fund or appropriation the salaries and other ascertained obligations of the year payable therefrom, which charges shall be known as encumbrances upon the fund or appropriation and only that part of the fund or appropriation not so encumbered shall be deemed available for additional expenditures. In no case shall the total encumbrance exceed the total sum appropriated by the City Council or any board of the city to any of its departments, bureaus or divisions; the Finance Officer shall neither issue nor pay warrants or checks drawn upon the funds or appropriations of any board, department, bureau or division of the city, the funds or appropriations of which are already fully encumbered. Any officer of the city who shall knowingly vote for any contract or appropriation or order any work or purchase or sign, countersign

or issue any warrant or check, the effect of which shall be to exceed the appropriation or fund provided, shall be guilty of a misdemeanor and shall be personally liable for the excess. This provision shall not exempt any person from the penalty of any other statute. The City Purchasing Agent is hereby ordered and directed not to issue purchase orders or sign contracts payable out of a fund or an appropriation so as to exceed or over-encumber such fund or appropriation and all orders or contracts made by the Purchasing Agent shall first be submitted to the City Finance Officer for entry on the Finance Officer's books before being issued.

Section 5. Transfer of Funds Authorized. The Board of Estimate and Taxation may by a vote of at least ~~five (5)~~ nine (9) of its members upon the written request of the City Council or of the governing body of any department having control of expenditures, permit the transfer of moneys from one appropriation to another appropriation within the same department during the fiscal year, but this section shall not apply to the proceeds of bonds or obligations sold by the city.

Section 6. Certain Proceedings May Be Set Aside. Within ten days after the City Council, or the Board of Park Commissioners, shall adopt a report, or pass a resolution confirming the awards and assessments in any proceedings under Chapter 185, General Laws of 1911, as amended, the entire cost of which is not to be paid out of assessments against the benefited property, the City Clerk, or in the case of the Board of Park Commissioners, its Secretary, shall serve upon the Secretary or any member of the Board of Estimate and Taxation a certified copy of such report or resolution and the action taken thereon. Such service and the proof thereof shall be made in the manner required for serving a summons in the District Court. Within thirty days after such service, such proceedings may, by a vote of at least ~~five~~ nine of its members, be set aside by the Board of Estimate and Taxation, which action shall have the effect to cancel all awards and assessments and terminate and abandon the entire proceedings. No action setting aside such proceedings shall be taken by said Board of Estimate and Taxation, except after public hearing, of which not less than two weeks' published notice shall be given by two publications, once each week for two successive weeks, in the official newspaper of the City. Until the expiration of such thirty day period no further expense shall be incurred upon any such proceedings unless the Board of Estimate and Taxation shall in the meantime by vote of ~~five~~ nine of its members, approve the said proceedings.

Section 7. Levying and Collection of Taxes. All taxes may be levied and collected within the maximum fixed by statute and within the maximum fixed by the Board of Estimate and Taxation for the various purposes of said taxation and without regard to the maximum rate of taxation fixed from time to time by any board other than the boards and departments governed by this chapter.

Section 8. Board to Employ Assistance. For the purposes of this Chapter the Board of Estimate and Taxation shall employ such assistance as it may deem necessary from time to time and shall have access to all the boards and departments of the city and to all accounts, contracts, records and files thereof, and shall have the right to call upon every board or department and every member and employee for any information it may deem necessary, and it shall be the duty of every board or department and every member and employee thereof to furnish the information so called for.

Section 9. To Incur Indebtedness for Municipal Purposes on Request of Council. Upon the request of the City Council expressed by ordinance or resolution adopted by the votes of two-thirds of all members thereof, the Board of Estimate and Taxation in its discretion shall have power by a vote of at least ~~five~~ nine (9) of its members to incur indebtedness for municipal purposes other than the purchase of public utilities and to pledge the credit of the city for the payment of principal and interest and for that purpose shall have power to issue and sell negotiable bonds of the city or any other form of obligation it may deem best, but any such bonds or obligations shall be sold only in the manner provided by Section 1856, General Statutes 1913, to the purchaser who will pay the highest price therefor at the rate of interest fixed by the Board of Estimate and Taxation and the obligations or bonds shall be drawn accordingly; provided, that where, with respect to any and all types and forms of obligation or indebtedness authorized by this Charter and by the laws of the State of Minnesota, the aggregate amount of any such obligations or indebtedness to be issued or incurred for any improvement, including but not limited to acquisition, development, construction or betterment, of any public building, stadium, or other capital improvement project, shall in all phases from inception to completion exceed Fifteen Million Dollars (\$15,000,000.00), the Board of Estimate and Taxation shall not issue or sell any bonds or other obligations nor incur any indebtedness for such purpose without the approval of a majority of the electors voting on the question of issuing such obligations or incurring such indebtedness at a general or special election. The foregoing proviso shall become effective immediately upon its adoption pursuant to Minnesota Statutes Chapter 410. Any premium received from the sale of such bonds shall revert to the sinking fund provided for the redemption of such bonds. Any such bonds or obligations shall be signed by the Finance Officer under the city corporate seal and shall be countersigned by the President of the Board of Estimate and Taxation. If the proceeds of the bonds or obligations be intended for the use of any board or department the expenditures of which are not controlled by the City Council, there shall be in addition to the request by the City Council, a like request expressed by ordinance or resolution adopted by the governing board of such department by the vote of at least two-thirds of the members thereof. The proceeds of such bonds or obligations shall be put into the City Treasury and credited to the proper fund.

Section 10. Issuance and Sale of Bonds. The bonds authorized by Section 9 of this chapter or any portion thereof, may be issued and sold by the city, notwithstanding any limitation contained in the Charter of this city or any law of this state, prescribing or fixing any limit upon the bonded indebtedness of the city, provided the issuance of said bonds will not increase the net bonded indebtedness of the city as defined in Section 1848, General Statutes, 1913, and acts amendatory thereof, to an amount in excess of ten (10) per cent of its assessed valuation, but the full faith and credit of the city shall at all times be pledged for the payment of any bonds issued under this chapter and for the current interest thereon, and the City Council shall each year include in the tax levy for the city a sufficient amount to provide for the payment of such interest and for the accumulation of a sinking fund for the redemption of such bonds at their maturity.

Section 11. Meetings To Be Open to Public. The meetings of the Board of Estimate and Taxation shall at all times be open to the public and the rules and regulations of the board shall provide for public hearings in connection with the determination of maximum amounts or maximum rates to be allowed to the different bodies, boards or commissions having power to levy taxes. The minutes and proceedings of the board relating to setting the maximum taxes, the board's appropriation, authorization and issuance of indebtedness, authorization of transfer of bond proceeds and other actions so designated by the board shall be kept on file by the board and at the Municipal Library and all City of Minneapolis Libraries.

Section 12. [Promissory Notes; Certificates of Indebtedness; Tax Anticipation Bonds.] In lieu of all other methods heretofore provided by this Charter for borrowing money and issuing obligations in anticipation of the collection of general taxes for the year in which issued for the use of the City or any department or board of the City, the City of Minneapolis may borrow money upon negotiable promissory notes or certificates of indebtedness, in the manner and subject to the limitations set forth in this section, for the purpose of anticipating general taxes theretofore levied for City purposes, but the aggregate of such borrowings remaining unpaid at any time shall never exceed fifty (50) per cent of such taxes which are due and payable and as to which no penalty for nonpayment or delinquency has attached. Upon the written recommendation of the City Finance Officer specifying the funds, departments or boards of the City for whom and the purposes for which such moneys are desired, and the amount for each, and by vote of at least ~~five-sevenths (5/7)~~ nine (9) of its members, the Board of Estimate and Taxation may authorize and effect such borrowing and may issue notes or certificates of indebtedness of the City therefor. Said board shall fix the amount, date, maturity, form, denomination, and other details of such notes or certificates, not inconsistent herewith, and shall fix the date and place for receipt of bids for the purpose thereof and direct its Secretary to give notice thereof. The full faith and credit of the City shall be pledged to the payment of such notes or certificates. They shall mature not later than the anticipated date of

receipt by the City of the taxes so anticipated. Interest to maturity may be paid by discounting such notes or certificates on their issuance, or they may be sold at not less than par, with interest payable at maturity, or bids may be called for on both bases. If such notes or certificates be not paid when due, they shall bear interest after maturity until paid at the rate they bore before maturity or at which they were discounted. The Secretary of said Board shall give notice of the proposed sale, calling for bids thereon at the time and place so specified, by at least one publication in a daily newspaper published in the City, at least three (3) days before such date of sale. At the time and place so fixed such notes or certificates may be sold by the President and Secretary of said Board and by the City Finance Officer to the bidder who will agree to take them on the terms most favorable to the City. Such notes or certificates shall be signed in behalf of the City by the President and Secretary of said Board and countersigned and delivered by the City Finance Officer upon receipt of the purchase price thereof. The moneys so received shall be disbursed solely for the purposes for which such taxes were levied and shall be credited to the funds, departments and boards specified in such recommendation, and the interest paid at maturity or the discount allowed on such notes or certificates shall be deemed disbursed and expended by and for such purposes, funds, departments, or boards, and shall be charged thereto proportion to the amounts allotted to each in such recommendation, but the purchaser of such notes or certificates shall not be obliged to see to such application of the proceeds. Any interest accruing on such notes or certificates for nonpayment at maturity shall be paid from the bond interest fund of the City.

Section 13. Putting Professional Sports Facility Financing Before the Voters. The City of Minneapolis, Minneapolis Community Development Agency, or any city department, agency, commission, or board, shall use no city resources over \$10 million dollars for the financing of professional sports facilities without the approval of a simple majority of the votes cast on the question, in a ballot question put to the public at the next regularly scheduled election. City resources are defined for these purposes as: Tax increment financing, bonds, loans, land purchase or procurement, land or site preparation, including necessary infrastructure such as roads, parking development, sewer and water, or other infrastructure development, general fund expenditures, sales tax or other taxes, deferred payments, interest free or below market interest rate loans, the donation or below market value sale of any city resources or holdings or any other free or below cost city services. The ballot question shall not be put before the public in a special election, in order to prevent the costs associated with special elections.