

(AMENDMENT OF 1924.)

CHAPTER XIII.

PUBLIC UTILITIES COMMISSION.

Section 1. The City of Owatonna shall have full power and authority to create and establish, and is hereby directed to create and establish, a Public Utilities Commission of three members, to be appointed by the mayor of said city, and confirmed by a majority vote of the city council, who shall hold their respective offices on the first appointment for the term of two, four and six years, respectively, and thereafter, on the expiration of any such term, a successor shall be appointed and confirmed for the term of six years, one or more or all of whom may receive such compensation for services actually rendered as shall be fixed from time to time by the city council.

In case of vacancy from any cause a successor for the unexpired term shall be so appointed and confirmed.

Said Utilities Commission shall have the entire management and control of all water, electric light, power, heat and gas plants now owned, or hereafter to be acquired, by the City of Owatonna, which shall be known as the Municipal Public Utilities of said city, and of all the building, erecting, constructing, and equipping of such plants.

Said Commission shall have the power to make, or to direct its Treasurer to make such investment and re-investment of funds in its possession as it may from time to time direct.

It shall also have power to make temporary loans in emergency cases.

Said Commission, on behalf of the City of Owatonna, and all persons acting under their authority, shall have the right to use the ground and soil under any railroad, road, highway, street, lane, alley, court or public park, for the purpose of constructing, enlarging, improving or repairing the works contemplated by this chapter on condition that they shall cause the surface of such railroad, road, highway, street, lane, alley, court or public park to be placed in its original state, and all damages done thereto to be repaired. Said Commission may also have and exercise the power of eminent domain whenever necessary to effect building or extension of any of its lines of mains.

Section 2. The City Clerk and City Treasurer shall be, ex officio, the Clerk and Treasurer of said Commission, and shall receive such salaries as said Commission may prescribe.

Section 3. Said Commission shall organize by electing one of its members President, (and the City Clerk shall be also the Bookkeeper and collector of all moneys, rentals and charges.) It shall employ such necessary help as will enable it to properly perform its duties under this chapter and may discharge all employees at will.

Among such employees shall be a manager, who shall be a competent engineer. The Commission shall prescribe the duties of all such employees and fix their compensation. Said Commission, and its employees

under its direction, may at all reasonable hours enter upon any premises for the purpose of examining the same and making surveys, and it may prosecute any action in the name of the City against any person, company or corporation for the use of any of its commodities or for injury to any property or works entrusted to its care.

It may require from the persons employed by it bonds for the faithful performance of their duties, the amount of which it shall fix.

Section 4. It shall be the duty of the Clerk, under direction of the Commission, to collect and pay forthwith into the treasury all the moneys due on account of the operation of each of said utilities. He shall keep a set of books in his office which shall contain a full and complete statement of the condition and operation of each of said utilities and, of all moneys received by the Commission and paid over to the Treasurer, and all payments due and owing to the Commission for any cause whatever, together with an accurate and detailed account of the expenses of said Commission, which books of account shall be open to the inspection of the public at all reasonable times.

It shall be the duty of the Treasurer to safely keep all moneys coming into his possession by virtue of his said office in, and as a part of, said Public Utilities fund, subdivided as provided in Section 7 of this chapter; to pay out the same, or any part thereof, only on the written or printed order of said Commission duly signed by the President and Clerk thereof, and for the purpose of the erection, operation and management of said Utilities Plants, Provided, the Treasurer may invest and re-invest any part of the same on direction of said Commission.

He shall keep a set of books, open to public inspection, showing the items of all receipts together with the sub division of such funds to which the same is credited, and of all orders so made and paid out by him; such books as will show the true and correct statement of such funds, and each subdivision thereof, as appears from the records of his office.

Section 5. Said Commission is vested with all powers to make and enforce such reasonable by-laws and regulations as may be necessary to carry into effect the object and purpose of this chapter, and to cause all such by-laws and regulations to be entered in a book kept for that purpose, and signed by the President and Clerk, which shall be open to public inspection at all reasonable times. It shall fix the rents and rates for all commodities by it furnished, either to the public or private consumers, and it shall regulate the distribution and use of all said commodities for all purposes, while the same shall be required for use, and fix the rates therefore. It shall have all necessary powers to restrain and prevent any and all injuries to said utilities. It shall also have power to purchase all supplies needed for the operation of said utilities, or either of them, under

such rules and regulations as it may establish.

It shall be the duty of said Commission to prepare, or cause to be prepared, and filed in the office of the City Clerk of said City at the close of each year of its operation, duly certified by its President and Clerk, an annual statement showing all moneys on hand, all receipts, credits and disbursements made on behalf of said Utilities Plants during the preceding year, and showing further the real financial condition of each of said Utilities Plants, which said annual statement shall be open to public inspection.

The rates and rents of such commodities shall be sufficient, so far as practicable, to provide for operating expenses, repairs and displacement, and the creation of a sufficient sinking fund to pay off outstanding Utilities Bonds of said City and interest as they mature.

In case of a deficiency in the utilities funds, or insufficient revenues are derived from the operation of the utilities plants in charge of the utilities commission, the commission shall render to the City Council in its annual report a statement showing the amount of such deficiency, and the amount needed for continuing operations, upkeep or new extensions, whereupon the City Council after verifying such statement and report of said commission, shall cause a special levy to be made upon the taxable property of, and in, said city, to raise such funds needed, Provided, that the full amount derived from such levy so turned over to said commission, shall be repaid into the general city fund from later revenue derived from the operation of said utilities plants.

Section 6. Any member of said board may be removed from office by the City Council of said City, by a two-thirds vote thereof, if it shall appear from a petition of ten or more reputable freeholders of said City that such member of said board has been guilty of a misdemeanor, or malfeasance or misfeasance in office, or has become incapacitated to hold office, or ceases to be a resident of the City of Owatonna, Provided that upon the filing of any such charges, the City Clerk shall immediately notify such member of the Board of such fact, together with a copy of such charges; and he shall be notified of the time and place when the council will meet to consider such charges, which notice shall be so given at least ten days before such meeting, and at such meeting said member shall have the right to be present and produce evidence and be heard in his own behalf.

Section 7. Section 10 of Chapter 5, of the present city charter, relating to the "Waterworks Fund," is hereby amended so as to read as follows:

"The Public Utilities Fund."
"All receipts and moneys paid for any of the commodities furnished by any such utilities, and all moneys derived from the sale of bonds sold for and on account of such public utilities as defined in Section 1 herein, shall be paid into this fund, subdivided

so as to show the amount received for commodities of each such utility, which shall thereupon become available to meet the expenses of such utility."

Section 8. That Section 1 of Chapter IX of the present city charter be, and the same is hereby so amended by adding at the end thereof the following additional Proviso:

"And Provided further, that no franchise whatever shall hereafter be granted to any person, company or corporation to erect, construct or operate within the limits of said city, any public utility of any kind whatsoever without first submitting the question of granting such franchise to a vote of the qualified electors of said city at a general or special election called for that purpose, at which at least three-fifths of such electors so voting at such election shall have voted in favor of granting such franchise."

Section 9. Section 18 of Chapter III of the present city charter, relating to "The Board of Public Works" is hereby repealed, and all other parts or portions of said charter inconsistent with the provisions of this chapter are, to that extent, repealed.

STATE OF MINNESOTA,
County of Steele,
City of Owatonna.

The undersigned, on application duly made, by an order dated November 16th, 1923, duly appointed as a "Charter Commission" for the City of Owatonna, Minnesota, by the Judge of the District Court of the County of Steele, in the 5th Judicial District of said State, pursuant to statutory authorization therefor, for the purpose of framing amendments to the existing "Home Rule" charter of said City, to be submitted to the qualified voters thereof for adoption, having duly accepted such appointment, qualified, organized and entered upon the discharge of their duties as such, and having completed their draft, of such amendments to be so submitted, do hereby sign, submit, present, return and certify to the "Acting Mayor," the chief magistrate of said City of Owatonna, the annexed and foregoing draft of such proposed amendments to said existing charter of said City of Owatonna, as the draft so by them prepared and proposed, to be submitted to the voters of said city for adoption or rejection, according to law.

Dated January 3rd, 1924.

WILLIAM F. ST. CLAIR,
M. R. CASHMAN,
C. M. NELSON,
FRED SCHUMAN,
PAUL H. EVANS,
LOUIS WATOWA,
D. J. TRISKO,
LOUIS HAMMEL,
W. F. SAWYER, Prest.
JOHN JURGENSEN,
F. H. JOESTING, (successor to
Dr. J. H. Adair, deceased)
GEORGE PARROTT,
GEORGE W. PEACHEY, Secy.
J. F. FITZGERALD,
HARLAN E. LEACH.

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STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 17 1924

Will Holm
Secretary of State

CERTIFICATE.

I, James Adair, as "Acting Mayor" and chief magistrate of the City of Owatonna, Minnesota, do hereby certify that the within and hereto attached Amendment to the city charter of said city, is the amendment proposed by the Charter Commission of said City, which was by said commission within the time and in the manner required by law presented to and deposited with the "Acting Mayor" of said City, and by him filed and deposited as required by law. That thereafter the same was duly published in three duly qualified newspapers having a general circulation in said city of Owatonna for a period of more than thirty five days, said publications being in each issue of the two weekly papers and the one daily newspaper, in which the same were so published, each of which said publications were completed more than fifteen days prior to the the General election held in said City on March 11th. 1924.

That at said general election of city officers held on said date the question of the adoption or rejection of said proposed amendment to the said city charter was duly submitted as a special question, on a duly constructed ballot presenting the same, to the qualified electors resident in said city, for determination, and on such submission there were 2043 ballots duly cast by qualified electors of said city in favor of said proposed charter amendment, and 314 ballots against the same, with 109 voters not voting upon that specific question.

That said proposed charter amendment was duly carried at said election by more than a three fifths majority of all the voters voting thereat, which said election was so held in all respects as required by law.

I hereby certify the said the within and hereto attached charter amendment and its due and legal ratification as and for an integral part of the charter of said city.

(Signed) *James Adair*
"Acting Mayor" of the City of Owatonna

