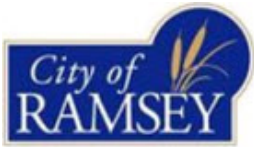


City of Ramsey
Agenda
Charter Commission
Thursday, October 17, 2019
6:30 p.m.
Council Chambers, 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Citizen Input**
- 3. Approve Agenda**
- 4. Approve Minutes**
 1. Approve the Following Meeting Minutes:
 - 1) Regular Charter Commission Meeting - February 13, 2019
- 5. Commission Business**
 1. Accept Resignation of Charter Commission Member Mark Barrows, Declare Vacancy, and Advertise to Fill Same
 2. Review Proposed Amendments to Chapter 4 of the City's Charter, titled Nominations and Elections
- 6. Commission/Staff Input**
- 7. Adjournment**



Our Mission: To work together to responsibly grow our community, and to provide quality, cost-effective, and efficient government services.

Charter Commission

4. 1.

Meeting Date: 10/17/2019

Submitted For: Jo Thieling, Administrative Services

By: Jo Thieling, Administrative Services

Information

Title:

Approve the Following Meeting Minutes:

1) Regular Charter Commission Meeting - February 13, 2019

Purpose/Background:

Purpose: To review minutes from past meeting and approve.

Background: The last regular meeting held by the Charter Commission was February 13, 2019. That set of minutes is attached for Commission review and approval.

Recommendation:

Staff recommends reviewing the attached set of minutes and approving with or without amendments.

Action:

Motion to approve the following meeting minutes:

1) Regular Charter Commission Meeting - February 13, 2019.

Attachments

Meeting Mts 2 13 2019

Form Review

Inbox

Kurt Ulrich

Form Started By: Jo Thieling

Final Approval Date: 10/03/2019

Reviewed By

Kurt Ulrich

Date

10/03/2019 03:35 PM

Started On: 10/01/2019 12:09 PM

**CHARTER COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Charter Commission conducted a regular meeting on Wednesday, February 13, 2019, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Susan E. Anderson
 Commissioner Jim Bendtsen
 Commissioner Joshua Fuhreck
 Commissioner Jennifer Leistico
 Commissioner Chad Sivertson

Members Absent: Commissioner Mark Barrows
 Commissioner Ben Deemer
 Commissioner John Niederhaus

Also Present: City Clerk Jo Thieling
 City Administrator Kurt Ulrich
 Administrative Services Director Colleen Lasher
 City Attorney Joe Langel
 City Councilmember Debra Musgrove

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 6:36 p.m.

CITIZEN INPUT

None.

APPROVE AGENDA

Motion by Commissioner Leistico, seconded by Commissioner Sivertson, to approve the agenda as presented.

Motion carried. Voting Yes: Chairperson Field, Commissioners Leistico, Sivertson, Anderson, Bendtsen, and Fuhreck. Voting No: None. Absent: Commissioner Barrows, Deemer and Niederhaus.

APPROVE MINUTES

Motion by Commissioner Fuhreck, seconded by Commissioner Sivertson, to approve the following meeting minutes as presented:

1) Regular Charter Commission Meeting dated December 17, 2018

Motion carried. Voting Yes: Chairperson Field, Commissioners Fuhreck, Sivertson, Anderson, Bendtsen, and Leistico. Voting No: None. Absent: Commissioner Barrows, Deemer and Niederhaus.

COMMISSION BUSINESS

5.1 Review of Charter Chapter 4 Nominations and Elections

City Attorney Langel stated that the purpose of the case is to review the existing provisions in the City's Charter relating to conducting elections as the current Charter language is not entirely consistent with State law. He explained that there are sections of Chapter 4 of the Charter that must be amended to comply with the State Statutes, and there are other sections that may be amended. The Charter could suggest an ordinance amending only the provisions that are not consistent with the State Statute or the Charter could suggest an ordinance amending or repealing the entire Chapter 4, making the conduction of elections more straightforward.

City Attorney Langel stated that advisory elections are unique to charter cities, but most hardly ever choose to do them. He stated that primary elections are also not required by State law and noted that the process outlined currently in the Charter is unwieldly and there is language that must be ignored as it is not consistent with State law. He reviewed language that is included in the Charter that is not required as it is already defined by State law, which is already very specific, and therefore the duplicative language is not required to be in the Charter. He explained that the duplicative language is not providing any benefit to the City of Ramsey. He also identified language that exists in the Charter and conflicts with State law.

Commissioner Bendtsen asked if there should be language stating that the City is going to follow State law, or whether that is just assumed.

City Attorney Langel noted that if the language is not included in the Charter, it would default to State law. He referenced the section relating to primary elections, which are not required by State law. He asked if there is a need for primary elections in Ramsey. He explained that until you have passed the filing date, you will be unaware of the number of people that will be running and therefore notice has already been made for a possible primary and the timelines are impacted.

Commissioner Anderson stated that there have been a number of communities moving towards using ranked choice voting and asked if that should be considered.

City Attorney Langel stated that he did not know if Ramsey has expressed interest in ranked choice voting, as that is still a new process in Minnesota. He was unsure that Ramsey would have a high enough number of people attempting to run that would require ranked choice voting. He stated that his sense is that issue would not be addressed at this time and the focus could just be on cleaning up the section on primary elections.

Chairperson Field stated that ranked choice voting could be a session in itself and therefore he would like to redirect the conversation tonight on simply reviewing Chapter 4.

Commissioner Sivertson stated that the instant runoff voting gets rid of the need for primary elections.

Chairperson Field stated that topic is somewhat controversial and therefore he would suggest abstaining from that discussion tonight.

City Attorney Langel stated that he would also suggest additional public input prior to discussion of that topic. He moved back to the section related to primary elections and suggested that the decision be made to remove the need for primary elections all together, simply clean up the language, or at least remove the requirement for a primary election during special elections. He explained that attempting to fit a primary election into a special election creates a mess and lengthens the process.

Commissioner Anderson asked if most charter cities use a primary election.

City Attorney Langel replied that most charter cities choose not to have primary elections. He stated that if there is not a primary election, then you would simply follow regular State law and if there are four candidates, you simply end up with four candidates on the ballot.

Commissioner Bendtsen stated that he does not see a need for a primary election.

Commissioner Fuhreck stated that he believes that the primary election would be important for the regular election process but would agree to eliminate primaries for special elections. He stated that he does not see holding primaries for a regular election as a problem but agreed that the process would be unnecessary and lengthens the special election process.

Commissioner Leistico stated that considering the size of Ramsey and the fact that this would be a non-partisan office, she does not see the need for primary elections. She did not believe that the extra expense is worth narrowing the candidate pool from three candidates to two.

Commissioner Sivertson asked if there is an added cost to have a primary election.

City Clerk Thieling stated that the City has held primary elections and there is an added cost, equal to running two complete elections as the primary is treated the same as the general election. She stated that if the primary were left only for regular election years, the cost would be fairly low as there would already be a primary for the other general election offices and therefore that additional cost would only be printing.

Chairperson Field asked the percentage of turnout of voters for the last few special elections and primaries.

Commissioner Anderson asked why the City is left to wait until August for the next City Councilmember to be elected.

City Clerk Thieling stated that if the Charter were amended to follow State language the City could have possibly met the February date, but would certainly have hit the April date.

Chairperson Field asked how the City has a Charter section that conflicts to this level with the State law.

City Attorney Langel stated that he was unsure when the provision was added. He stated that State election law is changed on a fairly frequent basis and a lot of the Charters have not been modified along with those changes, which creates these conflicting issues. He stated that the options would be to remove primaries entirely or at least remove the need for primaries in special elections. He stated that he would also recommend streamlining the language to simplify and remove conflicting language.

Commissioner Anderson stated that currently there is a provision within the Charter which requires a special election when a Councilmember moves.

City Attorney Langel stated that there is language within State law that specifies when a special election must be held, dependent upon the length of the remaining term, otherwise appointment could be made to fill the vacancy. He continued to review sections of Chapter 4, highlighting language which he would recommend removing because it is unnecessary, duplicative, or conflicting with State law. He stated that the goal would be to streamline the language and process without taking anything substantive away from the City. He explained that things are easier if everyone is on the same page, rather than having five different cities with five different election processes. He noted that it is easier for City staff to use the resource of Anoka County, if they are talking about the same processes.

Chairperson Field stated that it seems that there are three categories for the proposed changes to the Charter which would be duplicative language, language that conflicts with the State law, and areas of discretion. He asked City Attorney Langel to identify which category the proposed changes fall within.

City Attorney Langel continued to review the sections of Chapter 4, identifying whether the proposed change would be duplicative, conflicting with State law, or an area of discretion.

Chairperson Field stated that section 4.4 contains both special and advisory elections, noting that while special elections are a required element, advisory elections are not necessary. He commented that there seem to be faults in an advisory election as that would simply be equal to a public polling.

Commissioner Leistico asked if an advisory election would be combined with a general election or whether that would be similar to a special election process, as that would make a difference in the cost and effort.

City Attorney Langel stated that it is not clear. He explained that he would interpret the sentence as stating that the Council could call an advisory election at any time and therefore that question could be added to a general election ballot. He stated that his preference would be to clarify the language to remove “special” from advisory election to provide clarification if that element is going to be kept. He continued to review Chapter 4, moving onto section 4.5 regarding vacancies. He stated that section could be removed entirely and fall back on State law, which would be his preference. He explained that if the additional language is not benefiting the City as a whole, it should not be there, particularly if State law already addresses the process, as it simply creates a logistical mess. He noted that the timelines identified in the Charter conflict with State law, and therefore the City has to default to State law anyway. He recommended removing the section entirely, or at minimum streamlining the section.

Chairperson Field asked how defaulting to the State law would affect a vacant seat compared to the current Charter language.

City Attorney Langel replied that the timing of when the special election could be held, the notice for the filing period, how those timing periods disagree with State law, and the added primary requirement.

City Clerk Thieling noted that the conflicting issues created the timeline the City is currently following to fill a vacancy, which has extended out to eight months.

City Administrator Ulrich stated that in his opinion the section that is causing a problem is specifically section 4.5.4. He noted that statutory cities can appoint someone to a vacancy when there is two years or less remaining in the term, while the Charter spells out that an appointment can be made only if there are 365 days or less remaining in the term. He explained that statutory cities can appoint someone, following a series of interviews with the City Council, which eliminates the need for a majority of the special elections.

Chairperson Field asked for input on the possibility of removing this section, which would default to State law. He explained that this would allow the City Council to appoint someone to a vacancy if there is two years or less remaining in a term, while the Charter specifies that the appointment can only be made if there are less than 365 days remaining in the term.

Commissioner Anderson stated that the dates required, and the current process has caused the Council to have a vacancy for multiple years. She stated that in her opinion there is a need to fill that vacancy quickly and therefore she would favor modifying the situation regarding vacancies to give the Council permission to fill a vacancy.

Commissioner Fuhreck stated that eliminating the need for a primary during a special election would assist in streamlining the process but he would want the provision to stand that allows appointments only with 365 days or less remaining in a term.

Commissioner Bendtsen stated that he would be in favor of removing any section that is direct conflict with the State law. He stated that he would also support eliminating primary elections and would support appointments being made only with 365 days or less remaining in a term. He

stated that he would support removal of primaries certainly for special elections but did not see the need to have a primary election in any City election. He stated that having special and advisory in the same sentence just makes language confusing and he would support clarifying that language.

Commissioner Anderson stated that appointments are made to fill vacancies in every other level of government, explaining that someone is appointed to fill that vacancy until the next election is held.

City Administrator Ulrich asked for clarification on whether to keep the ability to appoint within only less than 365 days or follow the State Statute of two years remaining in the term.

Commissioner Sivertson asked the number of Councilmembers that are needed to pass an action.

City Administrator Ulrich stated that there was a point in the last year when the Council only had five members and four Councilmembers are needed to pass an action.

City Clerk Thieling explained that there is nothing that can be done at this time to speed up this special election date because of the timeline that must be followed for the special election. She stated that it is unknown as to whether a primary would be needed until the filing date has passed, and therefore that has to be planned for regardless of whether it will be needed. She explained that any changes that are going to be made to the Charter will still not impact this special election process because of the lengthy process required to amend the Charter.

Commissioner Bendtsen stated that he would favor appointment with only less than 365 days remaining in a term.

Commissioner Sivertson stated that he would favor following the State Statute requirement of allowing appointments with less than two years remaining on a term.

Commissioner Leistico stated that she would support allowing appointment with two years remaining, and if less than one year is chosen, she would recommend removing the provision for a primary election.

Commissioner Fuhreck stated that he would favor leaving the less than 365 days period for appointment.

Chairperson Field stated that he would support leaving the appointments to terms less than 365 days.

City Attorney Langel stated that he can bring back language that would be consistent with removing the need for a primary in a special election and allowing appointments with terms less than 365 days remaining.

City Clerk Thieling stated that for the special elections in February and April of 2018, for the special primary there were 15,491 registered voters and a total of 213 people voted and for the

actual special election there were 15,492 registered voters and 230 people voted. She stated that for the regular election primary there were 15,629 registered voters with 3,223 people voting and for the general election there were 15,890 registered voters and 11,764 people voted. She noted that even for special elections, there is a very small portion of the population voting.

City Attorney Langel continued to review section 4.5 and identified language that he would recommend removing.

Chairperson Field suggested language be amended that state if there are no candidates for a special election, the Council shall appoint someone to an expiring or vacant municipal office.

City Attorney Langel stated that his thought process is to simplify as much as possible, removing language that conflicts with State law, remove items that do not benefit the City, and focus on the few sections remaining.

Chairperson Field stated that approach number one would be to eliminate the section entirely and follow State law or to take the discussion tonight and simplify the language to follow State law and incorporate the comments tonight.

Commissioner Bendtsen stated that he would recommend removing anything that conflicts with State law, removing anything duplicative, remove the need for special and primary elections, and keep the appointments to a term of 365 days or less.

Commissioner Fuhreck stated that he would agree with the comments of Commissioner Bendtsen. He stated that he would be in favor of leaving primaries for regular elections but removing them for special elections.

Chairperson Field stated that if primaries are eliminated, you extend the political season for the hoards of people running for City Council and the public at large is subjected to more political campaigning. He stated that for a normal election there is already a primary and therefore there is little additional cost or process.

Commissioner Leistico stated that she would argue that holding a primary would extend the election season as people begin campaigning earlier for the primary. She stated that she would agree with removing any language that conflicts with State law. She stated that she would remove primary elections for both the special and regular elections. She noted that she would also follow State law to allow appointments to be made with two years or less remaining in a term but advised that she would also agree with the appointment being allowed with only 365 days or less.

It was the consensus of the Commission that if there are no candidates for a special election, the Council shall appoint someone to an expiring or vacant municipal office until the next regular municipal election.

Chairperson Field stated that he is getting the sense that this discussion will continue at the next Charter Commission meeting. He confirmed the consensus to remove the language conflicting

with State law; removing duplicative language; remove the need for primaries, with one option to remove primaries all together and another option to remove primaries for special elections; clean-up the language regarding advisory elections, with an option to remove advisory elections all together and another option to state that advisory elections can only occur with general elections; and regarding section 4.5.4, an option should be brought back to remove that section which would default to State law, and another option cleaning up the language and allowing appointment for terms of only less than 365 days.

City Administrator Ulrich noted that sometimes there are special elections that align with general elections, as the City did this past fall. He noted that in that circumstance that might be an exception that would allow for a primary for a special election as it coincides with the regular general election.

5.2 Discuss Commissioning a Study on Alternate Sources for Road Funding

Chairperson Field stated that the City of Ramsey is considering alternate sources for road funding, noting that he recently attended a public meeting on the topic. He reviewed the options that would be available that include 100 percent assessments, the current assessment policy, or franchise fees. He stated that there is a provision in the Charter on franchise fees and provided background information on how franchise fees work. He noted that lengthy discussions occurred in 2013, and reviewed a proposal that was made by a former Commissioner. He stated that proposal imposed a limit on how franchise fees could be used. He stated that he is not suggesting that the Commission take up action on the proposal but suggested that the language be considered for future debate until a private study can be commissioned to review options for road funding. He believed that the information would be useful to the Commission and to the Council as well. He stated that he reached out to City staff to determine if there are funds available for this type of study and learned that \$1,500 could be allocated for this type of study.

Commissioner Bendtsen asked how much the City of Ramsey is paying WSB for the presentation that is currently underway.

City Administrator Ulrich explained that the price of the WSB contract was \$35,000 and was separated into three different phases. He stated that phase one was to review the current pavement management plan and make recommendations, phase two moved into additional staff and public meetings along with presentation of resources, and phase three would include additional public meetings and potentially leading to a recommendation on a funding source for road improvements. He noted that the contract does have check-in points where the contract can be stopped. He stated that currently the City uses assessments for road financing and noted that if there is a consensus of the public input to continue with that, the service proposal would stop after phase two.

Commissioner Anderson asked how Elk River is funding their road improvements, as they seem to have sufficient funds.

City Administrator Ulrich stated that Elk River uses franchise fees for road improvements and has implemented a special sales tax for a community center. He noted that a number of cities use franchise fees already, including Elk River, Rogers, Princeton, and Brooklyn Park.

Chairperson Field stated that the representative from WSB did provide all the options but candidly did favor franchise fees. He stated that he would like to commission a separate study that would provide an independent opinion on what other communities are using and the available options.

Commissioner Fuhreck stated that he would be interested in historical data on how other municipalities that use franchise fees have been able to hold the line.

Commissioner Sivertson stated that there were complaints in the past from residents that have utilities for outbuildings and would not want to be charged twice. He stated that he has also heard that utility companies do not like the use of franchise fees as they become the middle man. He stated that there is a lot of gray area left unanswered and he would be in favor of bringing the motion back into play.

Commissioner Anderson stated that there are still urban and rural areas in the community. She stated that while she believes that this would be a good idea, she was unsure that a proper study could be completed for \$1,500.

City Administrator Ulrich stated that the scope of a study should be defined and put into writing, establishing the topics the Commission would like covered and staff can then request proposals from different firms. He noted that perhaps the Council would be interested in providing additional funding.

Chairperson Field stated that he would want to ensure that municipalities similar to Ramsey in age and miles in roads are included in the study, all available financing options, what has happened in other communities that utilize franchise fees, the number of cities that engage in 100 percent levy/assessment, additional information on the assessment model that Ramsey currently follows, and the annual budget of municipalities that are spent on road improvements compared to the remaining budget.

Commissioner Anderson stated that the whole city is concerned with road improvements and funding, as is the City Council.

Chairperson Field stated that he hopes that the City Council does not take this the wrong way. He stated that when you are opening up a box of potentially unlimited funding, that would be similar to letting a kid loose in a candy store. He stated that for the City to engage someone that is very enthusiastic about franchise fees may not be the best choice. He noted that once this box is opened this could be an uncontrolled shadow tax. He stated that if the Commission were to order a separate study that could have better standing in the end and could provide an option that would work for the City without amending the Charter related to franchise fees.

Commissioner Bendtsen stated that during the last presentation on road financing there was approximately 10 minutes spent on each of the other options and 90 minutes on franchise fees.

Commissioner Fuhreck agreed that it would be helpful to spend the additional funds to see not only the pros of franchise fees but also the pros and cons of all the options.

Chairperson Field stated that a motion is required to extend the money for this study.

Motion by Chairperson Field, seconded by Commissioner Sivertson, that Charter Chapter 10, Section 10.4 would be amended to state, "except that any franchise fees imposed under applicable State Statute must be limited to defraying increased municipal costs accrued as a result of utility operations, and may not be used to raise general revenue."

Further discussion: Chairperson Field stated that he would entertain a motion to table this action until a study can be completed. Commissioner Anderson stated that she would believe that the City Council has done some of this work already and would not just be leaning towards franchise fees on a whim. City Administrator Ulrich stated that they do not have to start from zero as there is past research that can be updated, and the funds can be used to provide an extra level of analysis.

Motion by Commissioner Bendtsen, seconded by Commissioner Anderson, to table the motion until a study can be commissioned.

Further discussion: Chairperson Field stated that the original motion was needed in order to propose an amendment that will provide the \$1,500 to use for the study. Commissioner Anderson asked who would be commissioned to be responsible for the study. Chairperson Field stated that a Committee could be selected to assist in the process. City Administrator Ulrich stated that the suggestion of a Committee appointed to study this would work well from a staff perspective. He noted that the Committee could first define the scope of the study. Commissioners Bendtsen, Anderson, Sivertson, and Chairperson Field agreed to form a Committee. Chairperson Field stated that he would like ample time to review the study results prior to the next discussion.

Motion carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Anderson, Fuhreck, Leistico, and Sivertson. Voting No: None. Absent: Commissioner Barrows, Deemer and Niederhaus.

Chairperson Field stated that the motion has been made that will allow the funds for the study to be allocated and noted that the Committee of four will meet outside of this Commission with staff to continue the work.

5.3 Approve Year End Activity Letter to Chief Judge for Year 2018

Chairperson Field noted that included in the case was the draft summary letter for the year 2018 for the Commission's review, comment, and approval. Once approved by the Commission, staff will forward the letter to the Chief Judge.

Motion by Commissioner Bendtsen, seconded by Commissioner Fuhreck, to approve the year-end annual report letter for 2018 and direct staff to submit such report to The Honorable Douglas B. Meslow, Chief Judge of the Tenth Judicial District.

Motion carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Fuhreck, Anderson, Leistico, and Sivertson. Voting No: None. Absent: Commissioner Barrows, Deemer and Niederhaus.

6. COMMISSION / STAFF INPUT

6.1 Other

Commissioner Fuhreck stated that at a future meeting he would like to discuss the issue of the Chris Riley rule, where someone is running for a body that is already in the body, which in essence just created another vacancy after the election. He explained that he would like a provision where that person would need to resign from their current position in order to run for a vacant position.

7. ADJOURNMENT

Motion by Commissioner Fuhreck, seconded by Commissioner Sivertsen, to adjourn the meeting.

Motion carried. All present voted in favor.

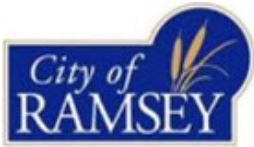
The regular meeting of the Charter Commission adjourned at 9:11 p.m.

Respectfully submitted,

Jo Ann M. Thieling
City Clerk

Joseph J. Langel
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.



Our Mission: To work together to responsibly grow our community, and to provide quality, cost-effective, and efficient government services.

Charter Commission

5. 1.

Meeting Date: 10/17/2019

By: Jo Thieling, Administrative Services

Information

Title:

Accept Resignation of Charter Commission Member Mark Barrows, Declare Vacancy, and Advertise to Fill Same

Purpose/Background:

Purpose: The purpose of this case is to inform the Charter Commission that Commissioner Mark Barrows has submitted his resignation, and to state staff's intent to advertise to fill the vacancy,

Background: Staff received correspondence from Mark Barrows, a current Charter Commissioner, that he has moved permanently to the State of Florida and is no longer eligible to serve on the City's Charter Commission. Staff has submitted an advertisement to fill the vacancy for the next Ramsey Resident, and will also place an ad on the City's website. Mr. Barrows' term has an expiration date of December 31, 2022.

The Commission currently has no other members whose terms are expiring at the end of year 2019. The terms of the seated members are as follows:

Susan Anderson - term expiration 12/31/2021
Jim Bendtsen - term expiration 12/31/2022
Ben Deemer - term expiration 12/31/2021
Joe Field - term expiration 12/31;/2020
Josh Fuhreck - term expiration 12/31/2020
Jennifer Leistico - term expiration 12/31/2020
John Niederhaus - term expiration 12/31/2021
Chad Sivertson - term expiration 12/31/2021

Recommendation:

NA

Action:

No formal action is necessary. This case is for informational purposes.

Attachments

No file(s) attached.

Form Review

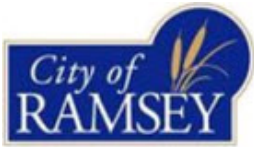
Inbox
Kurt Ulrich

Reviewed By
Kurt Ulrich

Date
10/03/2019 03:06 PM

Form Started By: Jo Thieling
Final Approval Date: 10/03/2019

Started On: 09/26/2019 11:03 AM



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Charter Commission

5. 2.

Meeting Date: 10/17/2019

By: Jo Thieling, Administrative Services

Information

Title:

Review Proposed Amendments to Chapter 4 of the City's Charter, titled Nominations and Elections

Purpose/Background:

Purpose: To review draft amendments to Chapter 4 of the City's Charter. As stated during a previous discussion, there are portions of the chapter that must be amended to comply with State law, and portions that may be amended, such as duplicative language that is not providing any benefit to the City.

Background: State Legislation setting uniform election dates for special elections prompted a complete review of Chapter 4, Nominations and Elections, of the City's Charter. The current Charter language is not entirely consistent with State law and causes problems in administering City elections. Many sections of this chapter are preempted by State law.

The Charter Commission met in February of this year and received information with regard to what must be amended to comply with State law, and what else could be amended to make administering elections, especially special elections, more straight forward and timely.

A lengthy discussion ensued and a consensus of the Commission was reached. The City Attorney was asked to revise Chapter 4 of the City's Charter to remove the language conflicting with State law, remove duplicative language; remove the need for primaries, with one option to remove primaries all together and another option to remove primaries for special elections, clean up the language regarding advisory elections, with an option to remove advisory elections all together and another option to state that advisory elections can only occur with general elections. Regarding Section 4.5.4, an option should be brought back to remove that section which would default to State law, and another option cleaning up the language and allowing appointment for terms of only less than 365 days.

Notification:

The meeting notice was posted on the City's Public notices Board as well as on the City's website.

Observations/Alternatives:

The existing Chapter 4 was modified by the City Attorney's office. Those modifications include some alternatives for amendments to Chapter 4. A redline and clean version of the Chapter are attached to this case. Attorney Langel will be present to lead discussion relating to the new language and the alternatives.

Funding Source:

N/A

Recommendation:

Staff recommends the Charter Commission review the proposed language changes and provide direction on the final language to be adopted.

Action:

Motion to recommend the amendments be forwarded to the City Council for discussion pursuant to Minnesota Statutes § 410.12, subd. 7.

Attachments

Chapter 4 Redline

Clean Copy Chapter 4

Form Review

Inbox	Reviewed By	Date
Joe Langel	Joe Langel	10/10/2019 01:36 PM
Kurt Ulrich	Kurt Ulrich	10/10/2019 02:56 PM
Form Started By: Jo Thieling		Started On: 09/26/2019 05:29 PM
Final Approval Date: 10/10/2019		

Section 4.1 - Option 1
To eliminate primaries entirely

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held ~~on the first Tuesday after the first Monday in November of~~ each even-numbered year, ~~commencing in 1984,~~ at such places as the city council shall designate. ~~At least 15 days prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this Charter shall assume the duties of office to which they were elected on the first business day in January following such election.~~

4.1.1 *Primary elections.* Primary elections shall not be held for municipal elections held on the same date as prescribed by the Minnesota Statute, which establishes the statewide primary election date. The primary election shall be for the selection of two nominees for each elective office at the regular municipal election, unless two nominees or fewer file for each elective office.

Section 4.1 - Option 1
To eliminate primaries except for general elections and vacancy special elections held on the date of the general election

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held ~~on the first Tuesday after the first Monday in November of~~ each even-numbered year, ~~commencing in 1984,~~ at such places as the city council shall designate. ~~At least 15 days prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate such election. Elected and qualified officers provided for by this Charter shall assume the duties of office to which they were elected on the first business day in January following such election.~~

- 4.1.1 *Primary elections.* A municipal primary for the purpose of nominating elective officers to the regular municipal election shall be held on the date of the state primary in the year of each regular municipal election. If a special election for an elective office is held on the same day as a regular municipal election, a municipal primary shall be held pursuant to this section for the purpose of nominating elective officers to that special election. No other municipal primaries shall be required. Primary elections shall be held on the same date as prescribed by the Minnesota Statute, which establishes the statewide primary election date. The municipal primary election shall be for the selection of two nominees for each elective office for which a municipal primary is required hereunder. However, if at the regular municipal election, unless two nominees or fewer file for each elective office, not more than twice the number of individuals to be elected to an office file for nomination for the office, that office shall not be subject to the municipal primary required herein and the individuals who filed for nomination shall instead be placed on the regular municipal or special election ballot as the nominees for that office.

Section 4.2 - Option 1
For use with Option 1 of Section 4.1, with no primaries

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ~~fourteen~~ weeks nor less than ~~twelve~~~~eight~~ weeks before the ~~primary~~regular municipal election ~~with the city clerk, paying a filing fee to the city clerk in an amount as set by ordinance.~~ The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance.

~~The city clerk shall prepare and have printed at the expense of the city the necessary ballots or other required material for such election.~~

~~The ballots or other material shall contain no political party designation of any candidate and the names of the candidates for each office may be arranged on the ballot alphabetically according to the surname of each candidate. The ballots or the results shall be counted and preserved and the city clerk shall be the final custodian of such ballots or returns for the city.~~

~~A sample ballot or a facsimile representation of the ballot shall be posted at the place of election at least one week before such election by the city clerk, whose duty it is to preserve such sample ballots.~~

~~4.2.1. [Repealed].~~

Section 4.2 - Option 2

For use with Option 2 of Section 4.1, with primaries only for office elections held on the date of the general election

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a regular municipal election or special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ~~twelve~~ten weeks nor less than ~~ten~~eight weeks before the primary election. All persons who shall desire to be elected to any elected office at a special election not held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ten weeks nor less than eight weeks before the special election. ~~with the city clerk, The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance paying a filing fee to the city clerk in an amount as set by ordinance.~~

~~The city clerk shall prepare and have printed at the expense of the city the necessary ballots or other required material for such election.~~

~~The ballots or other material shall contain no political party designation of any candidate and the names of the candidates for each office may be arranged on the ballot alphabetically according to the surname of each candidate. The ballots or the results shall be counted and preserved and the city clerk shall be the final custodian of such ballots or returns for the city.~~

~~A sample ballot or a facsimile representation of the ballot shall be posted at the place of election at least one week before such election by the city clerk, whose duty it is to preserve such sample ballots.~~

4.2.1. [Repealed].

Section 4.3

Sec. 4.3. - Procedure at elections.

Consistent with the provisions of this Charter and applicable state statutes, the council may by ordinance further regulate the conduct of municipal elections. Municipal elections shall be conducted in accordance with Minnesota Election Law, as supplemented by ~~Except as otherwise provided by~~ this Charter and city ~~supplementary~~ ordinances, ~~general state statutes on elections shall apply to municipal elections.~~

Section 4.4 – Option 1
Special and advisory elections at will

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order any special or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. ~~At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election.~~ This section does not apply to special elections to fill vacancies in municipal offices.

Section 4.4 – Option 2
Special elections at will, No advisory elections

Sec. 4.4. - Special ~~and advisory~~ elections except for elected office.

The council may, by resolution, order any special ~~or advisory~~ election deemed appropriate by the council, for any reason, and provide all means for holding it, ~~except that any election so ordered shall only be held on the same date as a regular municipal election. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.~~

Section 4.4 – Option 3

Special elections in accordance with state law procedure, No advisory elections

Sec. 4.4. - Special ~~and advisory~~ elections except for elected office.

The council may, by resolution, order ~~any~~ special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. Special elections shall be held in the manner set forth for statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election.~~or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.~~

Section 4.4 – Option 4
Special and advisory elections in accordance with state law procedure

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order a special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. The council may also, by resolution, order any special or advisory election be held on a question that the city council has sole authority to resolve; the results of an election on the question so submitted shall be advisory to the council only and shall have no binding effect upon its decision. Special and advisory elections shall be held in the manner set forth for special elections in statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election deemed appropriate by the council, for any reason, and provide all means for holding it. At least 15 days' prior notice shall be given by the city clerk by posting a notice thereof in at least one public place in each election precinct, and by publishing a notice thereof at least once in the official newspaper of the city stating the time and the places of holding such election. This section does not apply to special elections to fill vacancies in municipal offices.

Part 1 of Section 4.5 – Option 1

**If more than one year left on term, must be filled no later than next legally feasible
November election day**

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that ~~When~~ a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, ~~there shall be~~ a special election ~~shall be~~ held no later than the first Tuesday after the first Monday in November following the vacancy~~within 90 days after the vacancy occurs~~ to elect a successor to serve for the remainder of the unexpired term ~~of the office vacated~~. However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the ~~event~~ event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city~~, the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term~~ or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 1 of Section 4.5 – Option 2
If more than one year left on term, must be filled ASAP

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, ~~there shall be~~ a special election ~~shall be~~ held at the next special election date for which all required notice provisions in this charter or in state law can be fulfilled~~within 90 days after the vacancy occurs~~ to elect a successor to serve for the remainder of the unexpired term of the office vacated.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the ~~event~~ event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city~~, the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term~~ or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 1 of Section 4.5 – Option 3

Vacancies filled no later than next legally feasible November election day, except no special election for vacancies after the notice period cut-off for November election in third year.

Sec. 4.5. - Vacancy of municipal elected office.

4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs ~~with 365 days or more remaining in the term of the vacated office, there shall be~~ a special election ~~shall be~~ held ~~no later than the first Tuesday after the first Monday in November following the vacancy within 90 days after the vacancy occurs~~ to elect a successor to serve for the remainder of the unexpired term ~~of the office vacated.~~ ~~However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy. In the event that a vacancy in an elected office of the city occurs in the third year of the term at such time as would not permit compliance with all required notice provisions in this charter or state law, or in the fourth year of the term, no special election shall be held.~~

4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.

4.5.~~34~~ In the ~~event~~ ease of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term~~ or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

4.5.~~43~~ The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Part 1 of Section 4.5 – Option 4
Vacancies filled no later than next legally feasible November election day, more definition for timing of elections that are not feasible or that cannot comply with notice provisions

Sec. 4.5. - Vacancy of municipal elected office.

4.5.1 ~~In the event that~~ ~~When~~ a vacancy in an elected office of the city occurs ~~with 365 days or more remaining in the term of the vacated office, there shall be a special election held within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated. three or more days before the first day to give of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year of the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year after the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the third year of the term, no special election shall be required but the city council may, by resolution, order that a special election to fill the balance of the unexpired term be held no later than the second Tuesday in May of the fourth year of the term.~~

4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.

4.5.34 In the event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve the balance of ~~for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified.~~ In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

4.5.43 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Part 1 of Section 4.5 – Option 5
Vacancies filled at next regular municipal election as in 412.02, subd. 2a, no vacancy special elections at other times

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that ~~When~~ a vacancy in an elected office of the city occurs ~~three or more days before the first day to give of the period for filing an affidavit of candidacy for the next regular municipal election and more than two years remain in the unexpired term, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election. If the vacancy occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for the next regular municipal election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy. with 365 days or more remaining in the term of the vacated office, there shall be a special election held within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated.~~
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the event of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve the balance of for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 2 of Section 4.5

~~4.5.2 The city clerk shall give at least 60 days published prior notice of such special election, except as set forth under 4.5.5 of this section.~~

~~4.5.5 Office vacancy when less than eight weeks prior to primary election.~~

~~4.5.5.1 *Special election.* When a vacancy in an elected office of the city occurs when there is less than eight weeks prior to a primary election there shall be no primary election, except as provided in section 4.5.5.3 below. The special election to fill the vacancy shall coincide with the regular Municipal Election and the notice of such vacancy shall be published as soon as is practicable.~~

~~4.5.5.2 *Vacancy in offices to be voted on in the regular Municipal Election.* If a vacancy occurs less than eight weeks prior to the primary election, in the office of the mayor or the council members whose seats are to be voted on in the regular Municipal Election, said vacancy shall be considered not to exist for the purpose of the regular Municipal Election. The person elected to fill the vacancy in the regular Municipal Election, if approved by unanimous vote of the sitting council, may assume the duties of the office to which elected on the first business day following the city clerk's issuance of a certificate of election to said person.~~

~~4.5.5.3 *Vacancy in an office not to be voted on in the regular Municipal Election.* If a vacancy occurs in the office of the mayor or a councilmember not standing for election in the regular Municipal Election, a special primary election and a special election shall be held in January of the subsequent year following the vacancy to fill said vacancy. The election procedures for the special primary election and the special election shall be those election procedures for municipal office candidates as prescribed in Minnesota Statutes and this Charter. Notwithstanding section 2.3.1 of this Charter, which provides for a four year term for the mayor and council members, the term of the mayor and/or a councilmember elected pursuant to this subsection will be for the remainder of the vacant term.~~

Part 3 of Section 4.5

4.5.6 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the individual appointed by the city council to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified fill said offices by appointment until the next regular municipal election. In the case of a tie vote of the council, the mayor shall make said appointment from the candidates under consideration. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.

RRM: #317628

Section 4.1 - Option 1
To eliminate primaries entirely

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held each even-numbered year.

4.1.1 *Primary elections.* Primary elections shall not be held for municipal elections.

Section 4.1 - Option 1
To eliminate primaries except for general elections and vacancy special elections
held on the date of the general election

Sec. 4.1. - The regular municipal election.

A regular municipal election shall be held each even-numbered year.

4.1.1 *Primary elections.* A municipal primary for the purpose of nominating elective officers to the regular municipal election shall be held on the date of the state primary in the year of each regular municipal election. If a special election for an elective office is held on the same day as a regular municipal election, a municipal primary shall be held pursuant to this section for the purpose of nominating elective officers to that special election. No other municipal primaries shall be required. The municipal primary shall be for the selection of two nominees for each office for which a municipal primary is required hereunder. However, if not more than twice the number of individuals to be elected to an office file for nomination for the office, that office shall not be subject to the municipal primary required herein and the individuals who filed for nomination shall instead be placed on the regular municipal or special election ballot as the nominees for that office.

Section 4.2 - Option 1
For use with Option 1 of Section 4.1, with no primaries

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than fourteen weeks nor less than twelve weeks before the regular municipal election. The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance.

Section 4.2 - Option 2

For use with Option 2 of Section 4.1, with primaries only for office elections held on the date of the general election

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office at a regular municipal election or special election held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than twelve weeks nor less than ten weeks before the primary election. All persons who shall desire to be elected to any elected office at a special election not held on the date of a regular municipal election shall file an affidavit of candidacy with the city clerk not more than ten weeks nor less than eight weeks before the special election. The fee required to file an affidavit of candidacy for municipal office shall be set by the city council through resolution or ordinance.

Section 4.3

Sec. 4.3. - Procedure at elections.

Consistent with the provisions of this Charter and applicable state statutes, the council may by ordinance further regulate the conduct of municipal elections. Municipal elections shall be conducted in accordance with Minnesota Election Law, as supplemented by this Charter and city ordinances.

Section 4.4 – Option 1
Special and advisory elections at will

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order any special or advisory election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices.

Section 4.4 – Option 2
Special elections at will, No advisory elections

Sec. 4.4. - Special elections except for elected office.

The council may, by resolution, order any special election deemed appropriate by the council, for any reason, and provide all means for holding it, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.

Section 4.4 – Option 3

Special elections in accordance with state law procedure, No advisory elections

Sec. 4.4. - Special elections except for elected office.

The council may, by resolution, order a special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. Special elections shall be held in the manner set forth for statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices. No advisory elections shall be held.

Section 4.4 – Option 4
Special and advisory elections in accordance with state law procedure

Sec. 4.4. - Special and advisory elections except for elected office.

The council may, by resolution, order a special election be held on a question on which the voters are authorized to pass judgment under this charter or by law. The council may also, by resolution, order a special election be held on a question that the city council has sole authority to resolve; the results of an election on the question so submitted shall be advisory to the council only and shall have no binding effect upon its decision. Special and advisory elections shall be held in the manner set forth for special elections in statutory cities in Minnesota Election Law, except that any election so ordered shall only be held on the same date as a regular municipal election. This section does not apply to special elections to fill vacancies in municipal offices.

Part 1 of Section 4.5 – Option 1

**If more than one year left on term, must be filled no later than next legally feasible
November election day**

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, a special election shall be held no later than the first Tuesday after the first Monday in November following the vacancy to elect a successor to serve for the remainder of the unexpired term. However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 1 of Section 4.5 – Option 2
If more than one year left on term, must be filled ASAP

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, a special election shall be held at the next special election date for which all required notice provisions in this charter or in state law can be fulfilled to elect a successor to serve for the remainder of the unexpired term of the office vacated.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 1 of Section 4.5 – Option 3

Vacancies filled no later than next legally feasible November election day, except no special election for vacancies after the notice period cut-off for November election in third year.

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs, a special election shall be held no later than the first Tuesday after the first Monday in November following the vacancy to elect a successor to serve for the remainder of the unexpired term. However, if holding a special election on the first Tuesday after the first Monday in November immediately following the vacancy would not permit compliance with all required notice provisions in this charter or state law, the special election shall be held no later than the first Tuesday after the first Monday in November of the calendar year following the vacancy. In the event that a vacancy in an elected office of the city occurs in the third year of the term at such time as would not permit compliance with all required notice provisions in this charter or state law, or in the fourth year of the term, no special election shall be held.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.4 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Part 1 of Section 4.5 – Option 4
Vacancies filled no later than next legally feasible November election day, more definition for timing of elections that are not feasible or that cannot comply with notice provisions

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs three or more days before the first day to give of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year of the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the calendar year of the vacancy, the city must hold a special election to fill the balance of the unexpired term no later than the first Tuesday after the first Monday in November of the calendar year after the vacancy. In the event that a vacancy in an elected office of the city occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the third year of the term, no special election shall be required but the city council may, by resolution, order that a special election to fill the balance of the unexpired term be held no later than the second Tuesday in May of the fourth year of the term.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.
- 4.5.4 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Part 1 of Section 4.5 – Option 5
Vacancies filled at next regular municipal election as in 412.02, subd. 2a, no vacancy
special elections at other times

Sec. 4.5. - Vacancy of municipal elected office.

- 4.5.1 In the event that a vacancy in an elected office of the city occurs three or more days before the first day to give of the period for filing an affidavit of candidacy for the next regular municipal election and more than two years remain in the unexpired term, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election. If the vacancy occurs after the third day before the first day to give notice of the period for filing an affidavit of candidacy for the next regular municipal election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy.
- 4.5.2 A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.
- 4.5.3 The procedure at such election shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.
- 4.5.4 In the event of a vacancy in an elected office of the city, the council shall, by a majority vote, appoint a successor to serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant, shall make the appointment from the candidates involved in the tie vote.

Part 2 of Section 4.5

Part 3 of Section 4.5

- 4.5.6 If a special election has been called to fill a vacancy in an elected office of the city, and no candidates filed an affidavit of candidacy prior to the expiration of the period for filing an affidavit of candidacy, the special election shall be cancelled. In the event that such a cancellation occurs, the individual appointed by the city council to fill said vacancy under this section shall serve the balance of the unexpired term or until a successor elected at a special election held pursuant to this section is qualified. In the event that such a cancellation occurs, a special election to fill the balance of the unexpired term shall be held on the same date as the next regular municipal election, unless the next regular municipal election would be in the fourth year of the term.

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