

From: [Kurt Ulrich](#)

Sent: Tuesday, February 22, 2022 2:52 PM

Subject: Council Information: Charter Commission Application Deadline

Blind-copied to Mayor and Council

Below is a response to questions regarding the Charter Commission application date.

The attached Statute [Sec. 410.05 MN Statutes](#) provides that the judge is required to make appointments within 60 days of a term expiring or a vacancy occurring. For the most recent Charter recruitment, staff provided January 21 as the application deadline date to allow at least 3 weeks from the January/February Ramsey Resident distribution. Our interest was to encourage applications to allow enough time for the judge to consider filling the positions within the 60-day requirement. For future recruitments, it is not recommend posting a specific date again as the judge has the ultimate authority and “open until filled” is a better choice as there is no guarantee that the judge appoints any of the applicants, and we don’t believe a date has been used in the past.

The City Attorney’s opinion on the issue:

This is really the only deadline of any sort provided in the statute. The obligation is really on the Chief Judge and not the City, although I expect they rely on information provided by the City.

There is no penalty for non-compliance.

It’s worth noting that under the statute the terms of the Commission members expire when a new member is appointed in their place, so they technically remain in office until they are replaced or their term is renewed.

My recommendation, of course, is that the new proposed members or the continuing members be brought to the Court’s attention as soon as reasonably possible, but know that no damage is done in terms of vacancies if the Court doesn’t act within 60 days of the expiration of the ordinary term of the appointment.

Please let me know if you have any questions.

Kurt

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and to provide quality, cost-effective and efficient government services*

From: Simanek, Justice (LC-SHiljus) <Justice.Simanek@courts.state.mn.us>
Sent: Tuesday, February 22, 2022 2:00 PM
To: Colleen Lasher <CLasher@ci.ramsey.mn.us>
Subject: Charter Appointments

Hi Colleen,

I spoke to Judge Hiljus about our phone call today. He agreed that Ramsey is one of the few cities in the tenth district to send applicants directly to the Chief Judge. After looking through a few letters we've gotten recently from other cities, it mostly seems that applicants are put before the city council and the city council makes a recommendation on how to appoint. That means Judge Hiljus just sees the applicants who the city council/commission wants appointed. Judge Hiljus said that the practice varies from city to city and there is no set process in statute, some city charters have a set process but others do not. From his own experience as Coon Rapids City Attorney, he believes that the commission itself typically solicited applicants and had their own system of due process to select them. He states you may wish to consult your city attorney.

Here is some of the email Judge Hiljus sent to me in response to my questions:

"Most of the cities have a set deadline for applications and either the charter commission itself or the city council reviews applicants and recommends appointment to the Chief Judge. Once I receive the request to appoint I sign the order at their request.

Ramsey is one of the few cities to send applicants directly to the Chief Judge. I did not know of their "open until filled" process and assumed that the six applicants sent to me were the six they received at the end of their application process. I reviewed all six applications and tried to appoint those I felt well qualified and from a diverse background. I chose not to conduct interviews and I understand Chief Judges have never conducted interviews. At least not to my knowledge. I assume that may be one of the reasons why some cities have conducted their own interviews and make recommendations. If Ramsey chose to have a deadline for applications and then found a way to conduct their own due process and make recommendations to the Chief Judge I would support that process. In the end the City Council and/or Charter Commission know more about the City and its needs than do I."

I hope this helps. If you have more questions please feel free to let me know!

Sincerely,

Justice Simanek
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they/them/theirs

