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March 21, 2022

Mr. Kurt Ulrich  
City Administrator, City of Ramsey  
7550 Sunwood Drive NW  
Ramsey, MN 55303

RE: Methods of Petitioning by Citizens of a Charter Amendment

Dear Mr. Ulrich:

Upon request of the Council, you've asked me to provide a description detailing the procedure that would need to occur for citizens in the City of Ramsey to petition for a City Charter amendment.

Amendment procedures are provided in Minnesota Statutes §410.12, a copy of which I've attached. The options provided in that statute are the only ones allowed for amending a charter under Minnesota law.

You'll recall that the earlier discussion by the Council on this topic included a review of two alternatives that involved active City Council participation. The first would have been for the Council to pass an ordinance proposing an amendment. This would then be submitted to the Charter Commission for review within 60 days (with an allowance for an additional 90 days) after which it would be returned to the Council for further action. At that point the Council could put the proposed charter changes to the voters.

The second Council-oriented method would be for the Charter Commission to suggest an ordinance amending the charter to the Council which could then consider that ordinance under the City's normal ordinance process. It would effectively amend the charter if it received an

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affirmative vote of all members of the City Council. This was the method I recommended as, with the Charter Commission's cooperation of agreed-to language (without the actual initial passage of the ordinance by the Council), this is the most immediate manner of amending the Charter. The one real impediment, of course, would be the absence of a unanimous Council.

The manner of proposing amendments that avoids the direct input of a city council is provided in Subdivision 1 of the statute. It should be said at the outset that this is a process that is not "simple" and is ripe for potential error. Great attention must be paid, in particular, to the witnessing of the signatures necessary, which must number, in total, equal to or more than five percent (5%) of the total votes cast in the previous state general election. No small hurdle.

Since the change being proposed is not particularly large, I would suggest that a summary would not be needed. Rather the petition would need to read as follows:

"The Undersigned, being registered voters in the City of Ramsey, Minnesota, qualified to Petition to change the Charter of the aforesaid City, do hereby propose the following amendment the Charter of the City of Ramsey, by adding a paragraph to Section 2.4 thereof, as follows:

'Sec. 2.4 – Incompatible offices.

...

***No member of the Council may serve as a member of the City of Ramsey Charter Commission while serving on the Council. No member of the Council may serve as a voting member of any other Commission or Board of the City of Ramsey while he/she remains in office unless such membership is otherwise required by law."***

Each sheet of the petition would need to contain the signature of the petitioner (whose signatures can be contained in severality on any given page), as well as their address. Any signature would have to be witnessed by the canvasser, who, in turn, must verify the signatures under oath using the format specifically laid out in the statute.

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The proposed change is then submitted to and reviewed by the Charter Commission, which has ten days to review it as to form. The Charter Commission finally receives the completed petitions, which it assembles into a single proposal and submits it to the City Council. The City Clerk has the duty to determine whether a sufficient number of signatures in present and that at least enough of them are "valid", meaning of registered voters in the City. Assuming that there are sufficient signatures, the Clerk certifies that to be the case and the amendment is placed on the ballot in the next general (or special election). Other than setting an election date, there is no active intervention by the Council in this last method, nor is there a need to follow the ordinance procedures since none of this requires the passage of an ordinance by the City Council, unlike the other procedures I have noted above.

I will be ready to discuss this as needed with the Council. Please let me know if you, the staff or the Council members have any questions in the meantime.

A handwritten signature in cursive script, reading "Frederic W. Knaak", written over a horizontal line.

Frederic W. Knaak,  
City Attorney



The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be punishable in accordance with existing law.

Subd. 3. **May be assembled as one petition.** All petition papers for a proposed amendment shall be assembled and filed with the charter commission as one instrument. Within ten days after such petition is transmitted to the city council, the city clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of voters. The city clerk shall declare any petition paper entirely invalid which is not attested by the circulator thereof as required in this section. Upon completing an examination of the petition, the city clerk shall certify the result of the examination to the council. If the city clerk shall certify that the petition is insufficient the city clerk shall set forth in a certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of the findings. A petition may be amended at any time within ten days after the making of a certificate of insufficiency by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city clerk shall within five days after such amendment is filed, make examination of the amended petition, and if the certificate shall show the petition still to be insufficient, the city clerk shall file it in the city clerk's office and notify the committee of the petitioners of the findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Subd. 4. **Election.** Amendments shall be submitted to the qualified voters at a general or special election and published as in the case of the original charter. The form of the ballot shall be fixed by the governing body. The statement of the question on the ballot shall be sufficient to identify the amendment clearly and to distinguish the question from every other question on the ballot at the same time. If 51 percent of the votes cast on any amendment are in favor of its adoption, copies of the amendment and certificates shall be filed, as in the case of the original charter and the amendment shall take effect in 30 days from the date of the election or at such other time as is fixed in the amendment.

Subd. 5. **Amendments proposed by council.** The council of any city having a home rule charter may propose charter amendments to the voters by ordinance. Any ordinance proposing such an amendment shall be submitted to the charter commission. Within 60 days thereafter, the charter commission shall review the proposed amendment but before the expiration of such period the commission may extend the time for review for an additional 90 days by filing with the city clerk its resolution determining that an additional time for review is needed. After reviewing the proposed amendment, the charter commission shall approve or reject the proposed amendment or suggest a substitute amendment. The commission shall promptly notify the council of the action taken. On notification of the charter commission's action, the council may submit to the people, in the same manner as provided in subdivision 4, the amendment originally proposed by it or the substitute amendment proposed by the charter commission. The amendment shall become effective only when approved by the voters as provided in subdivision 4. If so approved it shall be filed in the same manner as other amendments. Nothing in this subdivision precludes the charter commission from proposing charter amendments in the manner provided by subdivision 1.

Subd. 6. **Amendments, cities of the fourth class.** The council of a city of the fourth class having a home rule charter may propose charter amendments by ordinance without submission to the charter commission. Such ordinance, if enacted, shall be adopted by at least a four-fifths vote of all its members after a public hearing upon two weeks' published notice containing the text of the proposed amendment and shall be approved by the mayor and published as in the case of other ordinances. The council shall submit the proposed amendment to the people in the manner provided in subdivision 4, but not sooner than three months after the passage of the ordinance. The amendment becomes effective only when approved by the voters as provided in subdivision 4. If so approved, it shall be filed in the same manner as other amendments.

Subd. 7. **Amendment by ordinance.** Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition must be signed by registered voters equal in number to at least five percent of the registered voters in the city or 2,000, whichever is less. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of charter amendments submitted by the charter commission, the council, or by petition of the voters, except that the council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance. As far as practicable the requirements of subdivisions 1 to 3 apply to petitions submitted under this section, to an ordinance amending a charter, and to the filing of such ordinance when approved by the voters.

**History:** (1286) RL s 756; 1907 c 199 s 1; 1911 c 343 s 1; 1939 c 292 s 1; 1943 c 227 s 1; 1949 c 122 s 1; 1959 c 305 s 3,4; 1961 c 608 s 5,6; 1969 c 1027 s 3; 1973 c 503 s 1-4; 1986 c 444; 1998 c 254 art 1 s 107; 1999 c 132 s 42; 2005 c 93 s 1; 2008 c 331 s 7; 2010 c 184 s 43