

City of Ramsey
Agenda
Charter Commission
Wednesday, October 26, 2022
6:00 pm
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 - November 17, 2021
5. **Commission Business**
 1. Introduce New Charter Commission Members
 2. Elect Chair and Vice Chair for 2022 - 2023
 3. Approve Year End Activity Letter to Chief Judge for Year 2021
 4. Continue Review of Amendments to Chapter 4 of the Charter - Nominations and Elections
 5. Review Ordinance #22-17 Amending City Charter Prohibiting Membership on the Charter Commission of City Council Members
 6. Review Ordinance #22-26 Amending City Charter Prohibiting Membership on City Boards and Commissions of Non-City Residents
6. **Commission/Staff Input**
7. **Adjournment**

Charter Commission

4. 1.

Meeting Date: 10/26/2022

By: Katie Schmidt, Administrative Services

Information

Title:

Approve the Following Meeting Minutes:

- 1) Regular Charter Commission Meeting - November 17, 2021

Purpose/Background:

Purpose: To review minutes from past meeting and approve.

Background: The last regular meeting held by the Charter Commission was November 17, 2021. 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.

Outcome/Action:

Motion to approve the following meeting minutes:

- 1) Regular Charter Commission Meeting - November 17, 2021.
-

Attachments

11-17-21 Charter Commission Minutes

Form Review

Inbox

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 09/14/2022

Reviewed By

Colleen Lasher

Date

09/14/2022 10:26 AM

Started On: 09/09/2022 01:55 PM

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

The Charter Commission conducted a regular meeting on Wednesday, November 17, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Susan E. Anderson
 Commissioner Jim Bendtsen
 Commissioner Ben Deemer
 Commissioner Joshua Fuhreck
 Commissioner Jennifer Leistico
 Commissioner Laura Moore

Members Absent: Commissioner John Niederhaus
 Commissioner Chad Sivertson

Also Present: Administrative Services Director Colleen Lasher
 City Administrator Kurt Ulrich
 City Attorney Frederick Knaak
 City Councilmember Debra Musgrove
 Finance Director Dianna Lund

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 6:06 p.m.

CITIZEN INPUT

None.

APPROVE AGENDA

Motion by Commissioner Deemer, seconded by Commissioner Bendsten, to approve the agenda as presented. Motion carried. Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

APPROVE MINUTES

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

- 1) Regular Charter Commission Meeting dated August 27, 2020

Motion carried. Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

COMMISSION BUSINESS

5.1 Introduce New City Attorney

City Administrator Ulrich introduced the newly appointment City Attorney.

Chair Field welcomed City Attorney Knaak.

5.2 Accept the Following Resignations of Charter Commission Members, Declare Vacancies and Advertise to Fill Same:

- 1. Mr. John Niederhaus, term ending December 31, 2021**
- 2. Mr. Chad Sivertson, term ending December 31, 2021**

Administrative Services Director Lasher reviewed the staff report noting that Mr. John Niederhaus and Mr. Chad Sivertson have submitted letters of resignation, and staff intends to advertise to fill the vacancies.

Chair Field asked if there are other vacancies.

Administrative Services Director Lasher stated that four terms are ending as of December 31, 2021 and two of the members are present tonight and have indicated that they would like to continue to serve. She noted that no formal action is needed for this item.

5.3 Continue Review of Amendments to Chapter 4 of the Charter – Nominations and Elections

Chair Field noted that this is a continued discussion of the Commission in attempt to bring the Charter into compliance with State law. He acknowledged the memorandum submitted by previous City Attorney Langel.

City Attorney Knaak stated that he reviewed the memorandum from the previous City Attorney. He noted that there is a provision that applies to Charter cities that the Commission should be aware of and provided additional details.

Commissioner Bendtsen stated that every statement the Commission has had from City Attorney Langel is that State law trumps the Charter language and therefore causes issue because of inconsistency. He commented that it would seem then that the Commission received bad advice.

Commissioner Anderson stated that the City keeps running into the business that municipal elections must follow a State set election cycle and asked if that applies.

City Attorney Knaak commented that if a City allows for flexibility in the timing of municipal elections but does not put that into the Charter it would not conflict with the law. He stated that there is nothing in the law that would require the City to have its election with the County or State.

Commissioner Anderson stated that she never understood the reason the law was passed related to allowed election dates as it did not seem to relate to the date or subject.

Commissioner Leistico asked if new language would be proposed by City Attorney Knaak for the Commission to consider.

City Attorney Knaak stated that he could provide additional language to review.

Chair Field stated that the previous direction was that the City would not want to have a Charter that conflicts with State law and should be acting as a unit to correct that. He stated that the current direction is more policy driven and optional rather than a necessity.

Commissioner Bendtsen stated that they would have the option to keep things in the Charter that conflict with State law if a case could be made supporting it.

Chair Field stated that there was a worksession of the City Council on April 20, 2021 where there were differences of opinion on whether to proceed with changes to primary or special election rules. He stated that even if the Commission fully agrees with changes to the Charter, that still has to be recommended to the City Council. He stated that has been done in the past and the Council could not come to agreement and the language died. He stated that he has requested the City Council to submit back something for the Commission to consider and that has not happened. He stated that it then becomes an issue of governance and if the Council wants to clean up language, that direction should come from the Council. He noted that if the Commission continued to submit proposed changes that will not be agreed upon by the Council, the Commission would be wasting its time.

Commissioner Deemer noted on the top of page four, relating to the statute for Minnesota elections, and asked for clarification. He stated that he reads that as election laws are removed from the statute because there are already election laws.

City Attorney Knaak provided additional details on Minnesota election laws.

Commissioner Anderson stated that the Commission seems to have difficulty communicating with the City Council. She commented that it would be beneficial to improving that communication and to have the Council acknowledge that the Commission has a role in the Charter. She provided the example of franchise fees which were adopted by the City Council while still being discussed by the Charter Commission.

Commissioner Bendtsen stated that it was the decision of the Council whether or not to have the franchise fees adopted. He noted that the Council adopted the franchise fee and then new members joined the Council and reversed that decision.

Chair Field stated that this would come down to what the role of the Charter Commission is. He noted that the Charter Commission can recommend a change to the Charter, but that would either have to be adopted by the City Council or could go forward to the voters through referendum.

Commissioner Bendtsen stated that the Charter has the ability to place bounds in which the Council must operate under. He stated that if the purpose is to provide recommendations only, then this would be an advisory commission and would defeat the purpose of being a Charter city.

Commissioner Deemer commented that in his opinion it is the role of the City Attorney to ensure the Council operates within the Charter, not of the Charter Commission.

City Administrator Ulrich stated that he made copies of information for the members to review related to charters.

Commissioner Fuhreck stated that as he understands it, the new City Attorney does not agree with the direction from the previous City Attorney. He stated that it is clear that there will not be a unanimous vote of the current City Council related to special elections and primaries. He asked if there is other language that the City Attorney would recommend be cleaned up.

Commissioner Leistico commented that City staff have to follow the rules within the Charter and State law and asked if staff has feedback on what is working or not working.

City Attorney Knaak stated that he does like the memorandum which offers a lot of suggestions, but it is his understanding that there is no reason the City could not submit the rest of the proposals to the Council, with the exception of the primaries and special elections.

Commissioner Bendtsen stated that it is his understanding that these supposed conflicts were causing problems with elections, and it seems that the City could continue to follow the Charter. He stated that some of the language is very nit picky and therefore he would support cleaning up the language.

Chair Field stated that he would still take the position that the language could be cleaned up and the special election provisions and primary section could be left out at this time. He stated that if those hot button issues are kept in, the language would once again not be approved by the City Council. He stated that if the Council wants to address the hot button issues, they can make a recommendation to the Commission.

City Administrator Ulrich agreed that the Council seemed to agree on the proposed changes other than the primaries and special elections.

Chair Field stated that the Commission can provide suggestions on primaries, but it would not pass through the Council. He asked what the proposed language would look like leaving out those hot button issues.

City Attorney Knaak stated that he thought the language drafted by City Attorney Langel was well drafted in terms of the clean up language.

Chair Field reviewed the sections that he believes could be forwarded in order to clean up the language and skipping the hot button issues.

Commissioner Bendtsen stated that the Charter has the authority to call for a special election for advisory purposes, which seems like a waste of time and effort.

Commissioner Moore asked if it is the recommendation of the City Attorney to only review sections 4.1, 4.2, and 4.3 if the intent is to avoid hot button issues.

City Attorney Knaak stated that he would agree that those sections along with 4.4 could be submitted for amendment. He noted that it seems that the hot button issues came from 4.5.

Chair Field stated that if he recalls the original discussion, it was determined that an advisory election was done in the past before alternate forms of feedback were available for use and therefore is no longer needed.

Commissioner Deemer stated that he could see the value of an advisory election if that coincided with a regular election as that would not require additional funds or staff time to be used.

Chair Field stated that if that is the direction, 4.4 would then be amended so that the provision can only be utilized to serve concurrently with a general election. He noted that it would be interesting to know if other cities engage in this process to gather information.

Commissioner Leistico stated that it would be odd to fill out a circle on a ballot for a question that does not mean anything.

Commissioner Deemer noted that a mailing could just as easily be done to gather input.

Chair Field confirmed that the Commission would like to see potential language drafted that would allow an advisory election if it coincided with the general election for section 4.4. He stated that it is his opinion that the Commission would seek a recommendation from the Council related to 4.5 and until such time will leave that section as is.

Commissioner Fuhreck asked if there would be benefit to approving the changes to sections 4.1 and 4.2 tonight.

Chair Field confirmed that could be done tonight.

Administrative Services Director Lasher

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to accept the proposed language offered in the memorandum from City Attorney Langel for sections 4.1 and 4.2 Motion carried. Voting Yes: Chairperson Fields, Commissioners Deemer, Bendtsen, Anderson, Fuhreck, Leistico, and Moore. Voting No: None.

6. COMMISSION / STAFF INPUT

6.1 Other

No comments.

7. ADJOURNMENT

Motion by Commissioner Deemer, seconded by Commissioner Bendsten, to adjourn the meeting. Motion carried.

Further discussion: Commissioner Anderson noted that the Commission typically has a letter summarizing the activity of the year. Administrative Services Director Lasher noted that this is the one meeting for 2021, so staff can now draft the letter which will be presented to the Commission at its next meeting. She confirmed that there is not a deadline for the submission of the letter, and it can continue into the next year. Chair Field stated that in the August 2020 minutes it was noted that the Commission approved the 2019 letter. He stated that it would appear the Commission is delinquent in presenting a 2020 letter. Commissioner Anderson asked if there would be interest in having a youth member. City Attorney Knaak stated that a member would need to be of voting age. Administrative Services Director Lasher confirmed that she missed the letter for 2020. She stated that she can contact the Judge and ask for input on how that could be remedied. Chair Field stated that if another meeting is necessary to adopt the letter, perhaps that be done virtually. Commissioner Fuhreck stated that if the Judge is lenient perhaps the letter could be approved for 2020 along with the 2021 letter in January along with review of potential language for Section 4.4. City Administrator Ulrich noted that the City is no longer operating under emergency order and therefore a virtual meeting is not an option. City Administrator Ulrich asked if the Commission could direct staff draft and submit a letter for 2020 based on the minutes of the August 27, 2020 meeting. Administrative Service Director Lasher suggested having a motion contingent upon what is allowed under State law. Chair Field stated that he would support that and direct staff to submit the letter to the Commission members electronically to review. He noted that if the language is objected to, a meeting could be held. Administrative Services Director Lasher stated that she will prepare the 2020 letter and could also prepare the 2021 letter in the same manner.

Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

The regular meeting of the Charter Commission adjourned at 7:23 p.m.

Respectfully submitted,

Colleen Lasher
Administrative Services Director

Frederick Knaak
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

DRAFT

Charter Commission

5. 1.

Meeting Date: 10/26/2022

By: Katie Schmidt, Administrative Services

Information

Title:

Introduce New Charter Commission Members

Purpose/Background:

Purpose: The purpose of this case is to introduce and officially welcome the City's newest Charter Commission Members, Ms. Amy Rusert and Mr. David May.

Background: Staff received notification of the appointment of Ms. Amy Rusert and Mr. David May from the Chief Judge of the Tenth Judicial District. Ms. Rusert is replacing Chad Sivertson, with a term to expire December 31, 2025. Mr. David May is replacing Matt Woestehoff, with a term to expire December 31, 2025. Staff also received notice of re-appointment for Commissioner Laura Moore with a term to expire December 31, 2026.

Recommendation:

N/A

Outcome/Action:

Introduce and welcome the City's newest Charter Commissioner Members, Ms. Amy Rusert and Mr. David May.

Attachments

No file(s) attached.

Form Review

Inbox

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 09/15/2022

Reviewed By

Brian Hagen

Date

09/15/2022 03:04 PM

Started On: 09/09/2022 02:10 PM

Charter Commission

5. 2.

Meeting Date: 10/26/2022

By: Katie Schmidt, Administrative Services

Information

Title:

Elect Chair and Vice Chair for 2022 - 2023

Purpose/Background:

Purpose: To elect a Chair and Vice-Chair for 2022 - 2023.

Background: Beginning in 2013, the Charter Commission elected to appoint a Chair and Vice-Chair for a two-year period versus one year. Joe Field is the current Chair and Ben Deemer is the current Vice Chair. It is time once again to elect a Chair and Vice Chair to serve for 2022 and 2023. For your information, there is no limit to the terms a chair and vice chair can serve.

Recommendation:

N/A

Outcome/Action:

Motion to elect Commissioner _____ to serve as Chair for the Charter Commission for years 2022 - 2023.

and

Motion to elect Commissioner _____ to serve as Vice Chair for the Charter Commission for years 2022 - 2023.

Attachments

No file(s) attached.

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/15/2022 03:04 PM
Form Started By: Katie Schmidt		Started On: 09/09/2022 02:16 PM
Final Approval Date: 09/15/2022		

Charter Commission

5.3.

Meeting Date: 10/26/2022

By: Katie Schmidt, Administrative Services

Information

Title:

Approve Year End Activity Letter to Chief Judge for Year 2021

Purpose/Background:

Purpose: To fulfill the requirement of submitting an annual report to the Chief Judge of the Tenth Judicial District.

Background: In accordance with Minnesota Statutes 410.05, an annual report reflecting the activities of the Charter Commission must be submitted to the Chief Judge of the Tenth Judicial District. Attached to this case is the summary letter for year 2021 for the Commission's review, comment and approval. Once approved by the Commission, staff will forward the letter to the Chief Judge.

Recommendation:

Approve the year-end annual report letter for 2021 and direct staff to submit such letter to the Chief Judge, as per State Statutes requirements.

Outcome/Action:

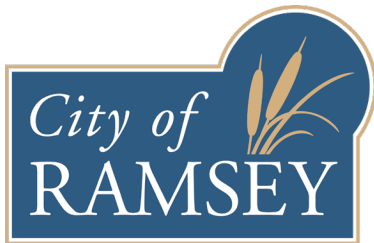
Motion to approve the year-end annual report letter for 2021 and direct staff to submit such report to The Honorable Stoney L. Hiljus, Chief Judge of the Tenth Judicial District.

Attachments

Draft Summary Letter
11-17-21 Charter Minutes

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	09/15/2022 03:03 PM
Form Started By: Katie Schmidt		Started On: 09/09/2022 02:02 PM
Final Approval Date: 09/15/2022		



7550 Sunwood Drive NW • Ramsey, MN 55303

City Hall: 763.427.1410 • Fax: 763.427.5543

www.cityoframsey.com

October 19, 2022

The Honorable Stoney L. Hiljus
Chief Judge Tenth Judicial District
Kanabec County Courthouse
18 North Vine Street, Suite 318
Mora, MN 55051

Re: City of Ramsey, Anoka County, Minnesota, Charter Commission Annual Report

Dear Judge Hiljus:

In accordance with Minnesota Statutes 410.05, the following is an annual report reflecting the activities of the City of Ramsey Charter Commission during the year 2021.

Members of the Charter Commission for year 2021 were as follows: Susan E. Anderson, Jim Bendtsen, Benjamin Deemer (Vice-Chair), Joseph Field (Chair), Joshua Fuhreck, Jennifer Leistico, Laura Moore, John Niederhaus, and Chad Sivertson.

The Commission fulfilled their requirement of meeting at least once during the year by calling a meeting to order on Wednesday evening, November 17, 2021. The Commission conducted the following business:

1. Introduced New City Attorney
2. Accept Resignation of Mr. John Niederhaus and Mr. Chad Sivertson
3. Continue Review of Amendments to Chapter 4 of the Charter - Nominations and Elections

The minutes from the November 17, 2021 meeting are attached.

Very truly yours,

On behalf of the Ramsey City Charter Commission

Katie Schmidt, MCMC
City Clerk

Attachments: Meeting Minutes

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

The Charter Commission conducted a regular meeting on Wednesday, November 17, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Susan E. Anderson
 Commissioner Jim Bendtsen
 Commissioner Ben Deemer
 Commissioner Joshua Fuhreck
 Commissioner Jennifer Leistico
 Commissioner Laura Moore

Members Absent: Commissioner John Niederhaus
 Commissioner Chad Sivertson

Also Present: Administrative Services Director Colleen Lasher
 City Administrator Kurt Ulrich
 City Attorney Frederick Knaak
 City Councilmember Debra Musgrove
 Finance Director Dianna Lund

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 6:06 p.m.

CITIZEN INPUT

None.

APPROVE AGENDA

Motion by Commissioner Deemer, seconded by Commissioner Bendsten, to approve the agenda as presented. Motion carried. Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

APPROVE MINUTES

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

- 1) Regular Charter Commission Meeting dated August 27, 2020

Motion carried. Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

COMMISSION BUSINESS

5.1 Introduce New City Attorney

City Administrator Ulrich introduced the newly appointment City Attorney.

Chair Field welcomed City Attorney Knaak.

5.2 Accept the Following Resignations of Charter Commission Members, Declare Vacancies and Advertise to Fill Same:

- 1. Mr. John Niederhaus, term ending December 31, 2021**
- 2. Mr. Chad Sivertson, term ending December 31, 2021**

Administrative Services Director Lasher reviewed the staff report noting that Mr. John Niederhaus and Mr. Chad Sivertson have submitted letters of resignation, and staff intends to advertise to fill the vacancies.

Chair Field asked if there are other vacancies.

Administrative Services Director Lasher stated that four terms are ending as of December 31, 2021 and two of the members are present tonight and have indicated that they would like to continue to serve. She noted that no formal action is needed for this item.

5.3 Continue Review of Amendments to Chapter 4 of the Charter – Nominations and Elections

Chair Field noted that this is a continued discussion of the Commission in attempt to bring the Charter into compliance with State law. He acknowledged the memorandum submitted by previous City Attorney Langel.

City Attorney Knaak stated that he reviewed the memorandum from the previous City Attorney. He noted that there is a provision that applies to Charter cities that the Commission should be aware of and provided additional details.

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Commissioner Deemer noted that a mailing could just as easily be done to gather input.

Chair Field confirmed that the Commission would like to see potential language drafted that would allow an advisory election if it coincided with the general election for section 4.4. He stated that it is his opinion that the Commission would seek a recommendation from the Council related to 4.5 and until such time will leave that section as is.

Commissioner Fuhreck asked if there would be benefit to approving the changes to sections 4.1 and 4.2 tonight.

Chair Field confirmed that could be done tonight.

Administrative Services Director Lasher

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to accept the proposed language offered in the memorandum from City Attorney Langel for sections 4.1 and 4.2 Motion carried. Voting Yes: Chairperson Fields, Commissioners Deemer, Bendtsen, Anderson, Fuhreck, Leistico, and Moore. Voting No: None.

6. COMMISSION / STAFF INPUT

6.1 Other

No comments.

7. ADJOURNMENT

Motion by Commissioner Deemer, seconded by Commissioner Bendsten, to adjourn the meeting. Motion carried.

Further discussion: Commissioner Anderson noted that the Commission typically has a letter summarizing the activity of the year. Administrative Services Director Lasher noted that this is the one meeting for 2021, so staff can now draft the letter which will be presented to the Commission at its next meeting. She confirmed that there is not a deadline for the submission of the letter, and it can continue into the next year. Chair Field stated that in the August 2020 minutes it was noted that the Commission approved the 2019 letter. He stated that it would appear the Commission is delinquent in presenting a 2020 letter. Commissioner Anderson asked if there would be interest in having a youth member. City Attorney Knaak stated that a member would need to be of voting age. Administrative Services Director Lasher confirmed that she missed the letter for 2020. She stated that she can contact the Judge and ask for input on how that could be remedied. Chair Field stated that if another meeting is necessary to adopt the letter, perhaps that be done virtually. Commissioner Fuhreck stated that if the Judge is lenient perhaps the letter could be approved for 2020 along with the 2021 letter in January along with review of potential language for Section 4.4. City Administrator Ulrich noted that the City is no longer operating under emergency order and therefore a virtual meeting is not an option. City Administrator Ulrich asked if the Commission could direct staff draft and submit a letter for 2020 based on the minutes of the August 27, 2020 meeting. Administrative Service Director Lasher suggested having a motion contingent upon what is allowed under State law. Chair Field stated that he would support that and direct staff to submit the letter to the Commission members electronically to review. He noted that if the language is objected to, a meeting could be held. Administrative Services Director Lasher stated that she will prepare the 2020 letter and could also prepare the 2021 letter in the same manner.

Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

The regular meeting of the Charter Commission adjourned at 7:23 p.m.

Respectfully submitted,

Colleen Lasher
Administrative Services Director

Frederick Knaak
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

DRAFT

Charter Commission

5. 4.

Meeting Date: 10/26/2022

By: Katie Schmidt, Administrative Services

Information

Title:

Continue Review of Amendments to Chapter 4 of the Charter - Nominations and Elections

Purpose/Background:

Purpose

The purpose of this case is to review Chapter 4 of the Charter, Nominations and Elections, to conform with state law; as well as to consider other potential beneficial changes to Chapter 4 that could be agreed upon.

Changes to State Election Law

The State Legislation previously set uniform election dates for special elections which prompted a complete review of Chapter 4, Nominations and Elections, of the City's Charter. The current Charter language does not include these dates, is not entirely consistent with State law, and causes problems in administering City elections. Many sections of Chapter 4 are preempted by State law.

City of Ramsey Actions - To Date

As the Charter Commission will recall, the Commission started its work on updating Chapter 4 in February 2019. The Charter Commission met in February 2019 and October 2019 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.

In cooperation with former City Attorney Langel, a draft ordinance (#19-15 "An Ordinance Amending the Charter by Repealing and Replacing Chapter 4 - Nominations and Elections") was drafted and then reviewed by the City Council on December 10, 2019, but it did not pass. In order for the ordinance to pass, all Councilmembers must motion in favor of the ordinance. When the City Council reviewed this topic in December 2019, the main point of dissent was related to primaries and the length of Council appointments that could occur under certain circumstances.

When the Charter Commission met on August 27, 2020, (in hopes of getting additional information from the City Council) it was decided to postpone this matter to the next meeting of the Charter Commission.

On April 20, 2021, staff, former City Attorney Langel and the City Council met again to discuss this matter. As a result of that discussion, former City Attorney Langel provided the attached documents for consideration.

Most recently, the Charter Commission met on November 17, 2021. It was decided to approve the changes to sections 4.1 and 4.2 and see potential language drafted that would allow an advisory election if it coincided with the general election for section 4.4. It was discussed to wait for a recommendation from Council related to 4.5 and until such time leave that section as is.

This evening, City Attorney Knaak will be on hand to provide his opinion on what areas are out of compliance and inconsistent with state law and to provide assistance with this matter.

Notification:

N/A

Time Frame/Observations/Alternatives:

NA

Funding Source:

N/A

Recommendation:

Based on discussion.

Outcome/Action:

Based on discussion.

Attachments

Memorandum - Fritz Knaak, City Attorney
Detailed Options presented 4-20-21
Charter Proposal Redline presented 4-20-21
4-20-21 City Council Minutes
Redline presented 11-17-21
Draft Clean Chapter 4 presented 11-17-21
11-17-21 Draft Minutes

Form Review

Inbox

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 10/20/2022

Reviewed By

Brian Hagen

Date

10/20/2022 02:55 PM

Started On: 09/12/2022 11:32 AM

MEMORANDUM

TO: City of Ramsey Charter Commission

FROM: Fritz Knaak, City Attorney

DATE: October 21, 2022

RE: City of Ramsey Charter Election Provisions

For some years now, the City of Ramsey and, more specifically, the Ramsey Charter Commission, has been engaged in a review of the Ramsey Charter's election provisions. In particular, Section 4 of the City Charter appeared to contain inconsistencies with State Law. While no legal challenges had been made to the City Charter, prior counsel stated that "...in accordance with Minnesota Election Law, it is possible that a court would determine that state law 'fully occupies (the) particular field of 'municipal election law'" and would invalidate the Charter provision.

In a thorough analysis of the conflicts that contained suggested changes, Mister Langel, the former City Attorney, noted the following:

"Since 1959, state law has dictated that municipal elections are controlled by state election law. Minn.Stat. §205.02, subd. 1. Since then, the legislature further clarified that, "(i)n all statutory and home rule charter cities, the primary, general and special elections held for choosing city officials and deciding public question relating to the city shall be held as provided in (chapter 205)" *Id.* subd. 2. In addition to the city-specific election chapter, other election statutes that apply to municipalities will generally control in the City, regardless of the Charter. *See, e.g.* Minn.Stat. §204B.16, subd. 1 (requiring that each "municipality" designate polling places according to a certain schedule); *see* Minn.Stat.200.02, subds. 8,9 (defining the term municipality" to include charter cities). Further, state law identifies only a handful of statutory exceptions that do not apply to charter cities. Minn.Stat.§205.02, subd. 2 ("(Sections 205.065, subdivision 4. 5\to 6; 205.07, subdivision 3; 205.10; 205.121; and 205.17, subdivision 3, do not apply to a city who charter provides the manner of holding its primary, general, or special elections").

Inexplicably, and critically, not listed among the exceptions are the provisions of Minn.Stat.§410.21, which is located under the chapter of the statutes dealing solely with charter cities. That provision provides:

410.21 APPLICATION OF GENERAL ELECTION LAWS.

The provisions of any charter of any such city adopted pursuant to this chapter shall be valid and shall control *as to nominations, primary elections, and elections for municipal offices*, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter.

The apparent conflict between these provisions would be resolved under the interpretive provisions of Chapter 645 of Minnesota Statutes, which states, as a general rule, more specific statutes prevail over general ones. Since Chapter 410 deals only with charter cities and the other statutes deal with all “municipalities”, the usual rules of statutory construction would mean that the provisions of Minn.Stat.§410.21, above, unless specifically superseded elsewhere, would prevail. Moreover, Minn.Stat.§410.21 expressly states that its provision prevail over any general laws (including those related to elections).

The provisions of Minn.Stat.§410.21 essentially stand the usual presumption of state law always superseding municipal law, including for charter cities, on its head. In the usual case, the state law and charter provisions are interpreted, to the extent possible, harmoniously, with state law prevailing in cases where the provisions are irreconcilable. Under the provisions of this statute, *on matters related to nominations, primary elections and elections for municipal offices*, the provisions would again be interpreted, to the extent possible, harmoniously. The important difference is that on these specific matters, *the charter language would prevail in cases where provisions might be irreconcilable*.

The key takeaway from this analysis is that while it may be a matter of good policy to have the city and state election regulations as consistent with each other as possible, **State law does not compel the city to make changes to its charter where inconsistencies related to municipal elections, including primaries, are believed to exist.**

The record indicated that the concerns raised by the City Council members in not adopting the earlier proposed language changes related to timing of primaries and the length of council appointments to vacancies. These matters are all fully within the City’s discretion to determine under its charter and there is no requirement that those provisions be changed because they do not appear to be consistent with state law. Conversely, of course, the City is free to do so if it chooses.

F.K.

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 ^{advisory} 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. * Notice

- 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.

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 ~~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~~ 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.

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~~ 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.

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.

* NOTICE

- 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~~ ~~case~~ 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~~ 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

**CITY COUNCIL SPECIAL WORK SESSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Ramsey City Council conducted a City Council Special Work Session on Tuesday, April 20, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Mayor Mark Kuzma
Councilmember Ryan Heineman
Councilmember Chelsea Howell
Councilmember Debra Musgrove
Councilmember Chris Riley
Councilmember Dan Specht
Councilmember Matt Woestehoff

Also Present: City Administrator Kurtis Ulrich
Public Works Superintendent Grant Riemer
Deputy City Administrator Timothy Gladhill
City Engineer Bruce Westby
Administrative Services Director Colleen Lasher
City Attorney Joe Langel
Utilities Supervisor John Nelson

1. CALL TO ORDER

Mayor Kuzma called the City Council Work Session to order at 6:39 p.m.

2. TOPICS FOR DISCUSSION

2.01: Review Water Treatment Plant Schedule and Construction Method

Utilities Supervisor Nelson reviewed the staff report.

Mayor Kuzma asked if RJM would be used as the construction manager.

Public Works Superintendent Riemer replied that is the construction manager for the public works facility. He stated that for the water treatment plant, staff would propose to use the design bid model because the inside of the water treatment plant is very complex.

Councilmember Howell asked, in the design bid build model, would those engineering firms be more specialized to this industry.

Utilities Supervisor Nelson confirmed that to be true.

Councilmember Howell asked if there are fewer firms that specialize in that area.

City Engineer Westby replied that the design bid model is the standard model the City uses. He replied that there are at least a dozen firms that specialize in this area.

Councilmember Riley asked for clarification, if there are a dozen firms that specialize in water treatment facilities.

City Engineer Westby confirmed that there are at least a dozen firms that would have all the specialties inhouse to design the different elements of a water treatment plant.

Councilmember Heineman asked if there are typically cost savings when a project is brought inhouse to one firm or whether there would be cost savings to bidding different elements to different firms.

City Engineer Westby replied that in theory it should be a more cost-effective process to use one firm, as the people working on the different elements would know each other and could easily communicate with each other.

City Administrator Ulrich stated that this will come back to the Council again to select contractors.

2.02: Review Past Charter Proposals Concerning City Elections

City Administrator Ulrich reviewed the staff report.

City Attorney Langel commented that the Charter Commission has been working on this for quite some time. He provided additional details on the conflicts with elections within the existing Charter language and State Statute and the difficulties it provided for staff. He stated that the information was presented to the Charter Commission in depth in 2019, it moved forward to the City Council but there was not support to adopt the changes. He stated that the first category for the changes is related to primary elections and provided additional background on the elements that were considered to determine how much benefit is provided in Ramsey from primaries versus the cost and staff time necessary. He stated that the Charter Commission recommended to eliminate the primaries. He stated that the other option out for discussion was to eliminate primaries except for those occurring for general elections as those would align with State primaries. He stated that a unanimous vote is required and not all members of the Council at that time supported that concept, therefore the amendment process stopped.

Mayor Kuzma asked the process that would be followed if there were multiple people running and there was not a primary.

City Attorney Langel replied that multiple people would then be on the ballot and the person with the most votes would win.

Councilmember Heineman asked and received confirmation that there would not be an issue with runoffs.

Councilmember Musgrove commented that she likes the idea of having a primary if there are other elections going on. She was unsure that a primary would be needed for a special election for a vacant position.

City Attorney Langel agreed that it causes additional problems to have primaries for special elections because of the timing and specific dates allowed for special elections.

Councilmember Heineman asked if eliminating primaries for special elections would allow for someone to be elected as soon as possible.

City Attorney Langel confirmed that would allow the position to be filled more quickly as it would eliminate that additional primary process.

Councilmember Heineman stated that he would support eliminating primaries outside of a regular general election.

Councilmember Howell asked if there could then be three to five or more candidates for a special election.

City Attorney Langel confirmed that a special election could have any number of candidates if there is not a primary.

Councilmember Howell commented that she would perhaps favor a primary.

Mayor Kuzma stated that he was opposed to this in 2019 and remains opposed. He believed that a primary serves a purpose in finding out additional information on candidates. He stated that if there are five or more candidates it would be difficult to have useful information to base a decision off. He stated that he would favor continuing with the existing process.

City Attorney Langel advised that if there is not support for the changes related to primaries, the Council could choose to update the Charter to at minimum match the State Statute languages where it is outdated and conflicting. He provided details on another option the City could pursue to fill vacancies. He stated that State Statute would allow for the Council to appoint someone to a vacant seat when there is less than two years on a term. He noted that the Charter Commission reviewed that option and suggested that appointments be allowed when there is less than one year on a vacant seat term.

Councilmember Riley commented that the City has had a problem for a number of years which has resulted in an open seat almost consistently for the past five years because of the City rules for special elections. He believed that primaries are not necessary as there are other government positions that have multiple candidates to vote for. He stated that when he vacated his seat, he aligned that with the seat vacation falling under a regular cycle. He asked if the language could be written in a manner that would eliminate special elections, allow appointment, and instead have an election on the next State held election day.

City Attorney Langel confirmed that aligns with option four and reviewed those details. He noted that a special election could still occur, it would simply align with November.

Councilmember Riley confirmed that he would prefer that option.

Councilmember Specht commented that he believes that a primary provides value. He stated that allowing the Council to appoint someone would seem to be a conflict and commented that person would have an unfair advantage because their name would be out there already ahead of the election.

Councilmember Woestehoff stated that he would believe there should either be primaries for everyone or primaries for no one. He stated that he would be interested in additional information related to runoffs. He stated that he is torn on the idea of appointments. He stated that in a perfect world an appointment would be unanimous. He stated that it would also make him nervous for the Council to make an appointment rather than the residents electing that person.

Councilmember Howell agreed with Councilmember Specht that the election process is important and would not want to appoint members.

Councilmember Musgrove commented that the Charter Commission also discussed the cost for special elections. She recognized that there are a number of inconsistencies between the Charter language and State Statute which has caused additional staff time and resources. She stated that it does not appear the Council is unanimous on these issues. She stated that perhaps the discussion should focus on the inconsistencies rather than primaries and special elections.

City Attorney Langel confirmed that the original intent of the update was to simply and clarify the language to be consistent with State law without changing the existing process. He confirmed that could be done without adding the primary and special election processes.

City Administrator Ulrich confirmed consensus that there is not unanimous agreement related to primaries and special elections and therefore this could be brought forward as more of a housekeeping item to address the inconsistencies with State law. He provided additional details on the lengthy process for special elections with primaries.

City Attorney Langel commented that the City could approach the legislature to request additional dates for special elections, but he was unsure how receptive the legislature would be to that idea.

Mayor Kuzma commented that Ramsey is fortunate to have seven members and a full Council at this time. He stated that it appears the consensus at this time would be to clean up the language to be more in line with State Statute.

Councilmember Heineman commented that he would not support a runoff option as that would cause more confusion and time.

Councilmember Musgrove agreed that would add more time for staff and cost for the City to continuously run elections.

City Administrator Ulrich stated that another option would be to place this on the ballot and let residents decide.

3. ADJOURNMENT

The Work Session of the City Council was adjourned at 7:30 p.m.

Respectfully submitted,

Kurtis G. Ulrich
City Administrator

ATTEST:

Katie M. Schmidt
Deputy City Clerk

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

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~~ Monday in January following such election.

4.1.1. *Primary elections.* ~~The regular p~~Primary elections shall be held on the same date as prescribed by ~~the~~ Minnesota Statute Election Law, 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. ~~If~~ unless two ~~nominees~~ candidates or fewer file for ~~each~~ any elective office, that office shall not appear on the primary ballot and the candidates shall appear on the municipal general election ballot as the nominees for that office.

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office shall file an affidavit not more than ~~ten~~ twelve weeks nor less than ~~eight~~ ten weeks before the primary election with the city clerk, paying a filing fee to the city clerk in an amount as set by ordinance or filing a nominating petition. The clerk shall also accept an application for candidacy as authorized by state law.

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 shall be rotated in the manner provided by state law ~~may be arranged on the ballot alphabetically according to the surname of each candidate~~. Consistent with state law, ~~T~~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.

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. Except as otherwise provided by this Charter and supplementary ordinances, general state statutes on elections shall apply to municipal elections.

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

The council may by resolution order ~~any a~~ special ~~or advisory~~ election on a question on which the voters are authorized to pass judgment under this Charter by law. The council may also, by resolution, order an advisory election to be held on a question that the city council has sole authority to resolve. The results of the advisory election are advisory to the council and have no binding effect. Special and advisory elections shall be held in the manner set forth for special elections in statutory cities under Minnesota Election Law. This section does not apply to special elections to fill vacancies in municipal offices, deemed appropriate by the council, for any reason authorized by law or this Charter, 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.

Sec. 4.5. - Vacancy of municipal elected office.

4.5.1 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 shall be elected by special primary and special election on the next practicable election dates to serve ~~for~~ the remainder of the unexpired term of the office vacated.

4.5.1.1 When a vacancy in an elected office of the city occurs when there is less than eight weeks prior to a regular primary election, the special primary election to fill the vacancy shall coincide with the regular Municipal Election, the election to fill the vacancy shall be held on the next election date thereafter, and the notice of such vacancy shall be published as soon as is practicable.

~~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.~~

~~4.5.3-2~~ 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.

~~4.5.4-3~~ In the case of a vacancy where there remains less than 365 days in the unexpired term, the council shall, by a majority vote, appoint a successor to serve for the remainder of said term. 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.

~~4.5.5 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.~~

~~4.5.6 If there are insufficient numbers of candidates in a regular or special election to fill expiring or vacated municipal offices, the city council shall 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.~~

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 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 Monday in January following such election.

4.1.1. *Primary elections.* The regular primary election shall be held on the same date as prescribed by Minnesota Election Law, 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. If two candidates or fewer file for any elective office, that office shall not appear on the primary ballot and the candidates shall appear on the municipal general election ballot as the nominees for that office.

Sec. 4.2. - Filing for office.

All persons who shall desire to be elected to any elected office shall file an affidavit not more than twelve weeks nor less than ten weeks before the primary election with the city clerk, paying a filing fee to the city clerk in an amount as set by ordinance or filing a nominating petition. The clerk shall also accept an application for candidacy as authorized by state law.

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 shall be rotated in the manner provided by state law. Consistent with state law, 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.

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. Except as otherwise provided by this Charter and supplementary ordinances, general state statutes on elections shall apply to municipal elections.

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

The council may by resolution order a special election on a question on which the voters are authorized to pass judgment under this Charter by law. The council may also, by resolution, order an advisory election to be held on a question that the city council has sole authority to resolve. The results of the advisory election are advisory to the council and have no binding effect. Special and advisory elections shall be held in the manner set forth for special elections in statutory cities under Minnesota Election Law. This section does not apply to special elections to fill vacancies in municipal offices.

Sec. 4.5. - Vacancy of municipal elected office.

4.5.1 When a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, a successor shall be elected by special primary and special election on the next practicable election dates to serve the remainder of the unexpired term of the office vacated.

4.5.1.1 When a vacancy in an elected office of the city occurs when there is less than eight weeks prior to a regular primary election, the special primary election to fill the vacancy shall coincide with the regular Municipal Election, the election to fill the vacancy shall be held on the next election date thereafter, and the notice of such vacancy shall be published as soon as is practicable.

4.5.2 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.

4.5.3 In the case of a vacancy where there remains less than 365 days in the unexpired term, the council shall, by a majority vote, appoint a successor to serve for the remainder of said term. 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.

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

The Charter Commission conducted a regular meeting on Wednesday, November 17, 2021, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Susan E. Anderson
 Commissioner Jim Bendtsen
 Commissioner Ben Deemer
 Commissioner Joshua Fuhreck
 Commissioner Jennifer Leistico
 Commissioner Laura Moore

Members Absent: Commissioner John Niederhaus
 Commissioner Chad Sivertson

Also Present: Administrative Services Director Colleen Lasher
 City Administrator Kurt Ulrich
 City Attorney Frederick Knaak
 City Councilmember Debra Musgrove
 Finance Director Dianna Lund

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 6:06 p.m.

CITIZEN INPUT

None.

APPROVE AGENDA

Motion by Commissioner Deemer, seconded by Commissioner Bendsten, to approve the agenda as presented. Motion carried. Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

APPROVE MINUTES

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

- 1) Regular Charter Commission Meeting dated August 27, 2020

Motion carried. Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

COMMISSION BUSINESS

5.1 Introduce New City Attorney

City Administrator Ulrich introduced the newly appointment City Attorney.

Chair Field welcomed City Attorney Knaak.

5.2 Accept the Following Resignations of Charter Commission Members, Declare Vacancies and Advertise to Fill Same:

- 1. Mr. John Niederhaus, term ending December 31, 2021**
- 2. Mr. Chad Sivertson, term ending December 31, 2021**

Administrative Services Director Lasher reviewed the staff report noting that Mr. John Niederhaus and Mr. Chad Sivertson have submitted letters of resignation, and staff intends to advertise to fill the vacancies.

Chair Field asked if there are other vacancies.

Administrative Services Director Lasher stated that four terms are ending as of December 31, 2021 and two of the members are present tonight and have indicated that they would like to continue to serve. She noted that no formal action is needed for this item.

5.3 Continue Review of Amendments to Chapter 4 of the Charter – Nominations and Elections

Chair Field noted that this is a continued discussion of the Commission in attempt to bring the Charter into compliance with State law. He acknowledged the memorandum submitted by previous City Attorney Langel.

City Attorney Knaak stated that he reviewed the memorandum from the previous City Attorney. He noted that there is a provision that applies to Charter cities that the Commission should be aware of and provided additional details.

Commissioner Bendtsen stated that every statement the Commission has had from City Attorney Langel is that State law trumps the Charter language and therefore causes issue because of inconsistency. He commented that it would seem then that the Commission received bad advice.

Commissioner Anderson stated that the City keeps running into the business that municipal elections must follow a State set election cycle and asked if that applies.

City Attorney Knaak commented that if a City allows for flexibility in the timing of municipal elections but does not put that into the Charter it would not conflict with the law. He stated that there is nothing in the law that would require the City to have its election with the County or State.

Commissioner Anderson stated that she never understood the reason the law was passed related to allowed election dates as it did not seem to relate to the date or subject.

Commissioner Leistico asked if new language would be proposed by City Attorney Knaak for the Commission to consider.

City Attorney Knaak stated that he could provide additional language to review.

Chair Field stated that the previous direction was that the City would not want to have a Charter that conflicts with State law and should be acting as a unit to correct that. He stated that the current direction is more policy driven and optional rather than a necessity.

Commissioner Bendtsen stated that they would have the option to keep things in the Charter that conflict with State law if a case could be made supporting it.

Chair Field stated that there was a worksession of the City Council on April 20, 2021 where there were differences of opinion on whether to proceed with changes to primary or special election rules. He stated that even if the Commission fully agrees with changes to the Charter, that still has to be recommended to the City Council. He stated that has been done in the past and the Council could not come to agreement and the language died. He stated that he has requested the City Council to submit back something for the Commission to consider and that has not happened. He stated that it then becomes an issue of governance and if the Council wants to clean up language, that direction should come from the Council. He noted that if the Commission continued to submit proposed changes that will not be agreed upon by the Council, the Commission would be wasting its time.

Commissioner Deemer noted on the top of page four, relating to the statute for Minnesota elections, and asked for clarification. He stated that he reads that as election laws are removed from the statute because there are already election laws.

City Attorney Knaak provided additional details on Minnesota election laws.

Commissioner Anderson stated that the Commission seems to have difficulty communicating with the City Council. She commented that it would be beneficial to improving that communication and to have the Council acknowledge that the Commission has a role in the Charter. She provided the example of franchise fees which were adopted by the City Council while still being discussed by the Charter Commission.

Commissioner Bendtsen stated that it was the decision of the Council whether or not to have the franchise fees adopted. He noted that the Council adopted the franchise fee and then new members joined the Council and reversed that decision.

Chair Field stated that this would come down to what the role of the Charter Commission is. He noted that the Charter Commission can recommend a change to the Charter, but that would either have to be adopted by the City Council or could go forward to the voters through referendum.

Commissioner Bendtsen stated that the Charter has the ability to place bounds in which the Council must operate under. He stated that if the purpose is to provide recommendations only, then this would be an advisory commission and would defeat the purpose of being a Charter city.

Commissioner Deemer commented that in his opinion it is the role of the City Attorney to ensure the Council operates within the Charter, not of the Charter Commission.

City Administrator Ulrich stated that he made copies of information for the members to review related to charters.

Commissioner Fuhreck stated that as he understands it, the new City Attorney does not agree with the direction from the previous City Attorney. He stated that it is clear that there will not be a unanimous vote of the current City Council related to special elections and primaries. He asked if there is other language that the City Attorney would recommend be cleaned up.

Commissioner Leistico commented that City staff have to follow the rules within the Charter and State law and asked if staff has feedback on what is working or not working.

City Attorney Knaak stated that he does like the memorandum which offers a lot of suggestions, but it is his understanding that there is no reason the City could not submit the rest of the proposals to the Council, with the exception of the primaries and special elections.

Commissioner Bendtsen stated that it is his understanding that these supposed conflicts were causing problems with elections, and it seems that the City could continue to follow the Charter. He stated that some of the language is very nit picky and therefore he would support cleaning up the language.

Chair Field stated that he would still take the position that the language could be cleaned up and the special election provisions and primary section could be left out at this time. He stated that if those hot button issues are kept in, the language would once again not be approved by the City Council. He stated that if the Council wants to address the hot button issues, they can make a recommendation to the Commission.

City Administrator Ulrich agreed that the Council seemed to agree on the proposed changes other than the primaries and special elections.

Chair Field stated that the Commission can provide suggestions on primaries, but it would not pass through the Council. He asked what the proposed language would look like leaving out those hot button issues.

City Attorney Knaak stated that he thought the language drafted by City Attorney Langel was well drafted in terms of the clean up language.

Chair Field reviewed the sections that he believes could be forwarded in order to clean up the language and skipping the hot button issues.

Commissioner Bendtsen stated that the Charter has the authority to call for a special election for advisory purposes, which seems like a waste of time and effort.

Commissioner Moore asked if it is the recommendation of the City Attorney to only review sections 4.1, 4.2, and 4.3 if the intent is to avoid hot button issues.

City Attorney Knaak stated that he would agree that those sections along with 4.4 could be submitted for amendment. He noted that it seems that the hot button issues came from 4.5.

Chair Field stated that if he recalls the original discussion, it was determined that an advisory election was done in the past before alternate forms of feedback were available for use and therefore is no longer needed.

Commissioner Deemer stated that he could see the value of an advisory election if that coincided with a regular election as that would not require additional funds or staff time to be used.

Chair Field stated that if that is the direction, 4.4 would then be amended so that the provision can only be utilized to serve concurrently with a general election. He noted that it would be interesting to know if other cities engage in this process to gather information.

Commissioner Leistico stated that it would be odd to fill out a circle on a ballot for a question that does not mean anything.

Commissioner Deemer noted that a mailing could just as easily be done to gather input.

Chair Field confirmed that the Commission would like to see potential language drafted that would allow an advisory election if it coincided with the general election for section 4.4. He stated that it is his opinion that the Commission would seek a recommendation from the Council related to 4.5 and until such time will leave that section as is.

Commissioner Fuhreck asked if there would be benefit to approving the changes to sections 4.1 and 4.2 tonight.

Chair Field confirmed that could be done tonight.

Administrative Services Director Lasher

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to accept the proposed language offered in the memorandum from City Attorney Langel for sections 4.1 and 4.2 Motion carried. Voting Yes: Chairperson Fields, Commissioners Deemer, Bendtsen, Anderson, Fuhreck, Leistico, and Moore. Voting No: None.

6. COMMISSION / STAFF INPUT

6.1 Other

No comments.

7. ADJOURNMENT

Motion by Commissioner Deemer, seconded by Commissioner Bendsten, to adjourn the meeting. Motion carried.

Further discussion: Commissioner Anderson noted that the Commission typically has a letter summarizing the activity of the year. Administrative Services Director Lasher noted that this is the one meeting for 2021, so staff can now draft the letter which will be presented to the Commission at its next meeting. She confirmed that there is not a deadline for the submission of the letter, and it can continue into the next year. Chair Field stated that in the August 2020 minutes it was noted that the Commission approved the 2019 letter. He stated that it would appear the Commission is delinquent in presenting a 2020 letter. Commissioner Anderson asked if there would be interest in having a youth member. City Attorney Knaak stated that a member would need to be of voting age. Administrative Services Director Lasher confirmed that she missed the letter for 2020. She stated that she can contact the Judge and ask for input on how that could be remedied. Chair Field stated that if another meeting is necessary to adopt the letter, perhaps that be done virtually. Commissioner Fuhreck stated that if the Judge is lenient perhaps the letter could be approved for 2020 along with the 2021 letter in January along with review of potential language for Section 4.4. City Administrator Ulrich noted that the City is no longer operating under emergency order and therefore a virtual meeting is not an option. City Administrator Ulrich asked if the Commission could direct staff draft and submit a letter for 2020 based on the minutes of the August 27, 2020 meeting. Administrative Service Director Lasher suggested having a motion contingent upon what is allowed under State law. Chair Field stated that he would support that and direct staff to submit the letter to the Commission members electronically to review. He noted that if the language is objected to, a meeting could be held. Administrative Services Director Lasher stated that she will prepare the 2020 letter and could also prepare the 2021 letter in the same manner.

Voting Yes: Chairperson Fields, Commissioners Anderson, Bendtsen, Deemer, Fuhreck, Leistico, and Moore. Voting No: None.

The regular meeting of the Charter Commission adjourned at 7:23 p.m.

Respectfully submitted,

Colleen Lasher
Administrative Services Director

Frederick Knaak
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

DRAFT

Charter Commission

5. 5.

Meeting Date: 10/26/2022

By: Brian Hagen, Administrative Services

Information

Title:

Review Ordinance #22-17 Amending City Charter Prohibiting Membership on the Charter Commission of City Council Members

Purpose/Background:

At the time of this Charter Commission Agenda Packet preparation, the City Council is considering the adoption of Ordinance #22-17. The purpose of the ordinance is to amend the City Charter to restrict membership on the Charter by City Council members. Ordinance #22-17 is being considered under Minn. Stat. 410.12, subdivision 5. In this scenario, Council would be required to submit the proposed amendment to the Charter Commission for their review. The Charter Commission shall approve or reject the proposed amendment, or provide suggest a substitute amendment. Upon review by the Charter Commission, the City Council may submit to the people the originally proposed amendment or the substitute amendment.

Other scenarios for Charter amendments are as follows:

Ballot Question

1. Via a question proposed by the Charter Commission.
2. Via a petition of voters, equal in number to five percent (5%) of the total votes cast at the last previous state general election in the city. The text of the amendment is established by the petitioners and reviewed by the Charter Commission.
3. Via Ordinance proposed by Council. In this scenario, Council would be required to submit the proposed to the Charter Commission for their review. The Charter Commission shall approve or reject the proposed amendment, or provide suggest a substitute amendment. Upon review by the Charter Commission, the City Council may submit to the people the originally proposed amendment or the substitute amendment. ***This scenario is the one being presented by the City Council currently.***

Ordinance Adoption

1. The Charter Commission may recommend the City Council amend the charter by ordinance. Within one month of receiving a recommendation to amend, the City must publish notice of a public hearing of the proposal. Within one month of the public hearing, the City Council must vote on the proposed charter amendment. If approved unanimously, the ordinance goes into effect 90 days after passage subject to no petition being submitted by voters forcing a referendum.

Time Frame/Observations/Alternatives:

The City Council is expected to act on the consideration of Ordinance #22-17 at their October 25, 2022 regularly scheduled meeting. Staff will provide a verbal update on their decision during the Charter Commission's meeting on October 26, 2022.

Alternative 1: Review and accept the proposed language. The City Council may submit to the people of Ramsey the amendment. The amendment shall become effective only when approved by the voters.

Alternative 2: Review and propose suggested substitute language. The City Council may submit the originally proposed language of the suggested substitute language of the Charter Commission. The amendment shall become effective only when approved by the voters.

Alternative 3: Reject the proposed language. The Statute is not clear on what occurs following this option. City Attorney Knaak will be present to answer this question if necessary.

Alternative 4: Within 60 days of receiving the proposed language, extend the time for review by another 90 days

by filing with the City Clerk its resolution determining that additional time for review is needed.
Alternative 5: According to City Attorney Knaak, State Law does not preclude the Charter from proposing their own language at the same time under Minn. Stat. 410.12, subdivision 7.

Recommendation:

Staff does not hold a recommendation on this matter.

Outcome/Action:

Dependent on Charter Commission direction.

Attachments

Ordinance #22-17
M.S. 410.12

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	10/20/2022 02:56 PM
Form Started By: Brian Hagen		Started On: 10/20/2022 02:16 PM
Final Approval Date: 10/20/2022		

ORDINANCE 22-17
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

**AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF RAMSEY,
MINNESOTA PROHIBITING MEMBERSHIP ON THE CITY OF RAMSEY
CHARTER COMMISSION OF CITY COUNCIL MEMBERS AND PROVIDING
FOR OTHER RESTRICTIONS THEREOF**

The City of Ramsey ordains:

SECTION 1. AUTHORITY

This Ordinance is adopted pursuant to the authority of the City Charter of the City of Ramsey and such authority as it is given under Minnesota Statutes Section 410.12, subdivision 5.

SECTION 2.

The Section 2.4 of the City of Ramsey Charter is amended to read as follows:

“Sec. 2.4 – Incompatible offices.

No member of the Council shall hold any paid municipal office or employment through the city other than that to which elected. Further, until one year after the expiration of his/her term, no mayor or councilmember shall be appointed or employed by the city in a compensated position which was created, or the compensation for which was increased, during his/her term as mayor or councilmember.

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.

SECTION 3. EFFECTIVE DATE

This ordinance becomes effective 90 days after its passage and publication as provided in City of Ramsey Charter 3.9 and Minnesota Statutes Section 410.12, Subdivision 5, as may be modified by any action undertaken pursuant to City of Ramsey Charter Section 5.

PASSED by the City Council of the City of Ramsey, Minnesota, the ____ day of _____ 2022.

Mayor

ATTEST:

City Clerk

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

Charter Commission

5. 6.

Meeting Date: 10/26/2022

By: Brian Hagen, Administrative Services

Information

Title:

Review Ordinance #22-26 Amending City Charter Prohibiting Membership on City Boards and Commissions of Non-City Residents

Purpose/Background:

At the time of this Charter Commission Agenda Packet preparation, the City Council is considering the adoption of Ordinance #22-26. The purpose of the ordinance is to amend the City Charter to restrict membership on City Boards and Commissions of Non-Residents. Ordinance #22-26 is being considered under Minn. Stat. 410.12, subdivision 5. In this scenario, Council would be required to submit the proposed amendment to the Charter Commission for their review. The Charter Commission shall approve or reject the proposed amendment, or provide suggest a substitute amendment. Upon review by the Charter Commission, the City Council may submit to the people the originally proposed amendment or the substitute amendment.

Other scenarios for Charter Amendments are as follows:

Ballot Question

1. Via a question proposed by the Charter Commission.
2. Via a petition of voters, equal in number to five percent (5%) of the total votes cast at the last previous state general election in the city. The text of the amendment is established by the petitioners and reviewed by the Charter Commission.
3. Via Ordinance proposed by Council. In this scenario, Council would be required to submit the proposed to the Charter Commission for their review. The Charter Commission shall approve or reject the proposed amendment, or provide suggest a substitute amendment. Upon review by the Charter Commission, the City Council may submit to the people the originally proposed amendment or the substitute amendment. ***This scenario is the one being presented by the City Council currently.***

Ordinance Adoption

1. The Charter Commission may recommend the City Council amend the charter by ordinance. Within one month of receiving a recommendation to amend, the City must publish notice of a public hearing of the proposal. Within one month of the public hearing, the City Council must vote on the proposed charter amendment. If approved unanimously, the ordinance goes into effect 90 days after passage subject to no petition being submitted by voters forcing a referendum.

Time Frame/Observations/Alternatives:

The City Council is expected to act on the consideration of Ordinance #22-26 at their October 25, 2022 regularly scheduled meeting. Staff will provide a verbal update on their decision during the Charter Commission's meeting on October 26, 2022.

Alternative 1: Review and accept proposed language. The City Council may submit to the people of Ramsey the amendment. The amendment shall become effective only when approved by the voters.

Alternative 2: Review and propose suggested substitute language. The City Council may submit the originally proposed language or the suggested substitute language of the Charter Commission. The amendment shall become effective only when approved by the voters.

Alternative 3: Reject the proposed language. The Statute is not clear on what occurs following this option. City Attorney Knaak will be present to answer this question if necessary.

Alternative 4: Within 60 days of receiving the proposed language, extend the time for review by another 90 days by filing with the City Clerk its resolution determining that additional time for review is needed.

Alternative 5: According to City Attorney Knaak, State Law does not preclude the Charter from proposing their own language at the same time under Minn. Stat. 410.12, subdivision 7.

Recommendation:

Staff does not hold a recommendation on this matter.

Outcome/Action:

Dependent on Charter Commission direction.

Attachments

Ordinance #22-26

M.S. 410.12

Form Review

Inbox

Brian Hagen

Form Started By: Brian Hagen

Final Approval Date: 10/20/2022

Reviewed By

Brian Hagen

Date

10/20/2022 03:08 PM

Started On: 10/20/2022 02:44 PM

ORDINANCE 22-26
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

**AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF RAMSEY,
MINNESOTA PROHIBITING MEMBERSHIP ON THE CITY OF RAMSEY
BOARDS AND COMMISSIONS OF NON-CITY OF RAMSEY RESIDENTS**

The City of Ramsey ordains:

SECTION 1. AUTHORITY

This Ordinance is adopted pursuant to the authority of the City Charter of the City of Ramsey and such authority as it is given under Minnesota Statutes Section 410.12, subdivision 5.

SECTION 2.

The Section 2.2 of the City of Ramsey Charter is amended to read as follows:

“Sec. 2.2 – Boards and commissions.

There shall be no separate administrative board of health, library board, or any other administrative board or commission except for the administration of a function jointly with another political subdivision. The council shall itself be and perform the duties and exercise the powers of such boards and commissions provided for by state statutes. The council may, however, establish or abolish by ordinance boards or commissions to advise the council with respect to any municipal function or activity, or to perform quasi-judicial functions. Notice of initial formation and all vacancies shall be published in the city newsletter and in the legal newspaper. Membership of various boards and commissions shall not exceed nine members, all members of which shall be residents of the City of Ramsey.

SECTION 3. EFFECTIVE DATE

This ordinance becomes effective 90 days after its passage and publication as provided in City of Ramsey Charter 3.9 and Minnesota Statutes Section 410.12, Subdivision 5, as may be modified by any action undertaken pursuant to City of Ramsey Charter Section 5.

PASSED by the City Council of the City of Ramsey, Minnesota, the ____ day of _____ 2022.

Mayor

ATTEST:

City Clerk

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