

City of Ramsey
Agenda
Charter Commission
Thursday, February 2, 2023
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 - October 26, 2022
5. **Commission Business**
 1. Introduce New Charter Commission Member
 2. Review Ordinance #22-26 Amending City Charter Prohibiting Membership on City Boards and Commissions of Non-City Residents
 3. Review Proposed Amendments to Section 4.1 and 4.2 of Chapter 4 of the Charter - Nominations and Elections
 4. Continue Review of Amendments to Chapter 4 of the Charter - Nominations and Elections
 5. Review Proposed Charter Amendment brought forward by Commissioner Bendtsen
6. **Commission/Staff Input**
7. **Adjournment**

Charter Commission

4. 1.

Meeting Date: 02/02/2023

By: Katie Schmidt, Administrative Services

Information

Title:

Approve the Following Meeting Minutes:

- 1) Regular Charter Commission Meeting - October 26, 2022

Purpose/Background:

Purpose: To review minutes from past meeting and approve.

Background: The last regular meeting held by the Charter Commission was October 26, 2022. 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 - October 26, 2022.
-

Attachments

10-26-22 Draft Minutes

Form Review

Inbox

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 01/04/2023

Reviewed By

Brian Hagen

Date

01/04/2023 05:06 PM

Started On: 12/20/2022 07:44 AM

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

The Charter Commission conducted a regular meeting on Wednesday, October 26, 2022, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Chairperson Joseph Field
 Commissioner Jim Bendtsen
 Commissioner Ben Deemer
 Commissioner Joshua Fuhreck
 Commissioner Jennifer Leistico
 Commissioner David May
 Commissioner Laura Moore
 Commissioner Amy Rusert

Members Absent: Commissioner Susan Anderson

Also Present: City Clerk Katie Schmidt
 City Administrator Brian Hagen
 City Attorney Fritz Knaak

CALL TO ORDER

Chairperson Field called the regular meeting of the Charter Commission to order at 6:30 p.m.

CITIZEN INPUT

None.

APPROVE AGENDA

Commissioner Bendtsen requested to add an item to the agenda titled New Business to be considered prior to Commission Business, noting that he would like to propose language to be considered to be added to the Charter.

Motion by Commissioner Bendtsen, seconded by Commissioner Deemer, to amend the agenda to add a section titled New Business to be considered prior to Commission Business.

Further discussion: Commissioner Leistico asked if that would be a proposition to add a category or whether he would be making a motion. Chairperson Field commented that the request is to add the category and the details will follow when that item is reached.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to approve the agenda as amended.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

APPROVE MINUTES

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

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

Motion Carried. Voting Yes: Chairperson Field, Commissioners Moore, Bendtsen, Deemer, Fuhreck, Leistico, May and Rusert. Voting No: None. Absent: Commissioner Anderson.

COMMISSION BUSINESS

5.1 Introduce New Charter Members

City Clerk Schmidt introduced the newly appointment Members of the Commission, Amy Rusert and David May. She noted that Laura Moore was also reappointed for another four-year term.

Chairperson Field welcomed the new members to the Commission.

Commissioners May and Rusert introduced themselves.

5.2 Elect Chair and Vice Chair for 2022-2023

Chairperson Field noted that the positions run for two-year terms, therefore these nominations will run for 2022 and 2023.

Chairperson Field opened the floor for nominations for the position of Chair.

Motion by Commissioner May, seconded by Commissioner Bendtsen, to nominate Commissioner Joseph Field to serve as Chair for the Charter Commission for years 2022 – 2023.

Motion by Commissioner Leistico nominated Commissioner Joshua Fuhreck to serve as Chair for the Charter Commission for years 2022 – 2023. The nomination failed for lack of second.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Leistico, May, Moore and Rusert. Voting No: Commissioner Fuhreck. Absent: Commissioner Anderson.

Chairperson Field opened the floor for nominations for the position of Vice Chair.

Motion by Commissioner Leistico, seconded by Commissioner Moore, to elect Commissioner Joshua Fuhreck to serve as Vice Chair for the Charter Commission for years 2022 - 2023.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Moore, Rusert, Deemer, Fuhreck, Leistico, and May. Voting No: Commissioner Bendtsen. Absent: Commissioner Anderson.

5.3 Approve Year End Activity Letter to Chief Judge for Year 2021

Chairperson Field noted that included in the case was the draft summary letter for the year 2021 for the Commission's review, comment, and approval. Once approved by the Commission, staff will forward the letter to the Chief Judge.

Motion by Commissioner Deemer, seconded by Commissioner Fuhreck, 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.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

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

Chairperson Field commented that he believed that the Commission had already made a decision on 4.1 and 4.2.

Commissioner Bendtsen referenced the communication from the City Attorney in the past few months related to precedent of the Charter over State Statute. He asked if the City Charter takes precedent.

City Attorney Knaak commented that his opinion letter was included in the list of materials for this item. He commented that the Charter Commission agreed on a decision for 4.1 and 4.2 but the Council had some concerns as he relayed in his letter. He noted that prior Council did a very thorough job in putting language in front of the Commission that would have conformed with State law, but the Commission can decide whether or not that conformity with State law is a good thing or not. He stated that the State Statute is clear when it comes to primary elections and general elections that the Charter would overrule the State law, whereas typically State law trumps provisions of a Charter. He stated that while the changes may be a good idea, the Commission is not compelled to make the changes under State law. He stated that doing nothing would be an option. He confirmed that this provision only applies to City elections and would also apply to referendums.

Chairperson Field noted that 4.1 and 4.2 were already approved by the Commission and it was confirmed that no action would be needed on 4.3 He noted that there are four options to consider for 4.4 and read through the different options. He noted that the Council did have a discussion about this after the Commission made its recommendation on 4.1 and 4.2 and the minutes from

that discussion were included in the materials for this meeting. He noted that it seemed the Council was not comfortable eliminating primaries whereas the Commission supported elimination of primaries because of the cost and burden on staff.

Commissioner May provided input on a previous primary election experience which triggered a second primary election and additional expense for the City. The Commission discussed the difference between a referendum and an advisory election question. The Commission discussed narrowing the discussion by removing the two options that include advisory elections.

Commissioner Fuhreck commented that he would not be opposed to leaving the option for an advisory election in conjunction with a regular election. He used the example of franchise fees and noted that perhaps the Council wanted to use that tool to gauge public opinion on that topic.

Commissioner May noted the poor turnout that typically occurs for a special election and stated that it would perhaps be better to use alternate means to gauge resident opinion. The Commission noted other means that have been used to poll the community on topics. A suggestion was made to allow advisory election questions, but only during a regular municipal election.

Chairperson Field stated that it seems there is momentum towards option one for 4.4.

Motion by Commissioner Deemer, seconded by Commissioner Moore, to approve option one for 4.4.

Further discussion: Commissioner Rusert stated that she does not see how an advisory election would be helpful as there would not be sufficient background information and the question can be worded to provide the desired outcome. A Commissioner asked what would be a special election outside of the Council. City Attorney Knaak provided additional details on the types of items that could be considered in special election. The Commission discussed the different methods in which the Charter can be amended.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Moore, Bendtsen, Deemer, Fuhreck, Leistico, and May. Voting No: Commissioner Rusert. Absent: Commissioner Anderson.

Chairperson Field moved to 4.5 noting that there are many different options to consider and provided an overview.

A member of the Commission suggested identifying the goal and objective and then finding the option that would best fit with that. The consensus of the Commission in regard to the objectives was that a Council position should not be allowed to remain vacant for a long period of time. The Commission discussed whether to allow appointment to a vacant position.

City Attorney Knaak noted that sometimes the vacancy is in the position of Mayor and/or City Council. He noted that if the vacancy is in the position of Mayor there may be multiple members of the Council interested but there may also be interest from an outside party. He stated that the

outside party can then be specified that they are not allowed to run for the position after the appointment expires.

The Commission continued to discuss the differences between the options as well as alternate options that could be selected. A suggestion was made to use the language that someone could be appointed until a special election could be held, rather than making it an either/or scenario. It was noted that the language “within 90 days of the vacancy” had been stricken from the options in order to comply with State law but could actually stay in if desired with the knowledge that the City Charter trumps State law in relation to City elections. The Commission agreed that 90 days would be very quick for campaigning, balloting, and an election to be held and 180 days would be more appropriate. It was noted that the City should balance the cost of the special election and burden on City staff with the value provided by a special election. The Commission discussed whether to have primaries for special elections.

A suggestion was made to table this item with direction for staff to bring back additional options based on the discussion tonight. It was stated that it would be helpful to have scenarios to review and input from other charter cities.

Chairperson Field noted that he would plan to hold the next meeting after the first of the year.

Motion by Commissioner Deemer, seconded by Commissioner Bendtsen, to table the remaining balance of Chapter 4.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, Moore, May, and Rusert. Voting No: None. Absent: Commissioner Anderson.

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

Chairperson Field reviewed the ordinance which was adopted that prevents a member from the City Council to serve on the Charter Commission or other Boards and Commissions. He stated that the City Council has adopted this ordinance and now it is before the Commission for consideration.

City Administrator Hagen noted that there was some discussion on the topic, but the vote was passed unanimously by the Council.

The Commission agreed that this would make sense as there are checks and balances between the City Council and Charter Commission.

Chairperson Field commented that this body acts with integrity and treats the Charter as its constitution. He believed that this change would solidify that and would not politicize it by adding a Councilmember to the Charter Commission.

Commissioner Deemer commented that the intention of the Commission is to be a separate body working for the City, appointed by a Judge.

Motion by Commissioner Bendtsen, seconded by Commissioner Leistico, to approve Ordinance #22-17 as presented.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Leistico, Bendtsen, Deemer, Fuhreck, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

City Attorney Knaak commented that the Commission has completed one of the formal processes. He noted that this approval will be sent back to the City Council. He stated that the Commission could separately propose this ordinance for the consideration of the Council, which will keep open the option for the Council to unanimously approve the ordinance rather than going through referendum. He was unsure whether the Council would unanimously recommend this as there was one member that seemed to prefer a referendum.

Motion by Commissioner Bendtsen, seconded by Commissioner Deemer, to recommend an ordinance that would amend Section 2.4 of the Charter to add that no member of the Council may serve on the Charter Commission or other Board or Commission.

Further discussion: Commissioner Leistico asked and received confirmation that this process would provide the Council with the option to unanimously approve this language for incorporation into the Charter without having to go to referendum.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

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

Commissioner Leistico commented that she already thought this was a requirement and therefore finds it reasonable.

The Commission asked if this action would have any negative or unintended consequences. It was noted that a resident would tend to have more input from their neighbors on topics of interest which would be beneficial, whereas if expert input is desired that can be solicited from outside parties.

City Administrator Hagen provided details on the ordinance that was introduced by the Council, which called out specific boards and commissions as there are some boards on which staff members serve upon. He stated that the ordinance included in the packet was the ordinance adopted by the Council, noting that the additional language listing the specific boards and commissions did not make it into the adopted version. He stated that the Charter Commission could approve the language that was adopted by the Council or could choose to adopt the alternate language which lists the specific boards and commissions.

The Commission suggested that this go back to the Council to clean up the language and come back to the Commission in January to consider.

City Attorney Knaak stated that the Commission could adopt the language that was intended and that could go back to the Council.

Commissioner Fuhreck stated that they would prefer that the Commission send their preferred language to the Council and let the Council make the decision. They did not want to get into the habit of having the Council send things to the Commission versus the Commission sending things to the Council.

Chairperson Field stated that he would prefer to send this back to the Council to modify as they intended.

Motion by Commissioner May, seconded by Commissioner Deemer, to send back Ordinance #22-26 to the City Council to clarify the ordinance which will come back to the Charter Commission in January.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

6. NEW BUSINESS

Motion by Commissioner Bendtsen, seconded by Chair Field, to add the following language to Section 10.4, under power of regulation reserve: “No franchise fee may be implemented or mandated by ordinance for the purposes of road or street improvement, construction, or reconstruction.”.

Further discussion: Chair Field stated that this is a big topic, and he would like to table this to the January meeting in order to provide the necessary time to discuss and review.

Motion by Chair Field, seconded by Commissioner May, to table this item to the January meeting.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

7. COMMISSION / STAFF INPUT

7.1 Other

No comments.

8. ADJOURNMENT

Motion by Commissioner Deemer, seconded by Commissioner May, to adjourn the meeting.

Motion Carried. Voting Yes: Chairperson Field, Commissioners Bendtsen, Deemer, Fuhreck, Leistico, May, Moore and Rusert. Voting No: None. Absent: Commissioner Anderson.

The regular meeting of the Charter Commission adjourned at 9:33 p.m.

Respectfully submitted,

Katie Schmidt
City Clerk

Fritz Knaak
City Attorney

Drafted by Amanda Staple
TimeSaver Off Site Secretarial, Inc.

Charter Commission

5. 1.

Meeting Date: 02/02/2023

By: Katie Schmidt, Administrative Services

Information

Title:

Introduce New Charter Commission Member

Purpose/Background:

Purpose: The purpose of this case is to introduce and officially welcome the City's newest Charter Commission Member, Mr. Victor Jumah.

Background: Staff received notification of the appointment of Mr. Victor Jumah from the Chief Judge of the Tenth Judicial District. Mr. Jumah is replacing Susan Anderson, with a term to expire December 31, 2025.

Recommendation:

N/A

Outcome/Action:

Introduce and welcome the City's newest Charter Commissioner Member, Mr. Victor Jumah.

Attachments

No file(s) attached.

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Katie Schmidt	02/01/2023 09:53 AM
Form Started By: Katie Schmidt		Started On: 02/01/2023 09:42 AM
Final Approval Date: 02/01/2023		

Charter Commission

5. 2.

Meeting Date: 02/02/2023

By: Katie Schmidt, Administrative Services

Information

Title:

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

Purpose/Background:

This case was discussed at the last Charter Commission meeting and was tabled until an updated copy of the ordinance was available. Attached to the case is the final copy of the ordinance adopted by the City Council.

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 adopted Ordinance #22-26 at their October 25, 2022 regularly scheduled meeting.

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
State Statute 410.12

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	01/19/2023 03:27 PM
Form Started By: Katie Schmidt		Started On: 12/20/2022 07:46 AM
Final Approval Date: 01/19/2023		

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 the Economic Development Authority, Environmental Policy Board, Parks and Recreation Commission, Planning Commission and any future boards and commissions the City Council deems necessary shall not exceed nine members, all members of which shall be residents of the City of Ramsey.

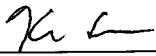
SECTION 3. EFFECTIVE DATE

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 25th day of October, 2022.


Mayor

ATTEST:



City Clerk

Introduction Date: October 11, 2022
Posting Dates: October 11 – October 26, 2022
Adoption Date: October 25, 2022
Publication Date: December 2, 2022
Effective Date: January 2, 2022

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

5.3.

Meeting Date: 02/02/2023

By: Katie Schmidt, Administrative Services

Information

Title:

Review Proposed Amendments to Section 4.1 and 4.2 of Chapter 4 of the Charter - Nominations and Elections

Purpose/Background:

Purpose

The purpose of this case is to review proposed amendments to Sections 4.1 and 4.2 of Chapter 4 of the Charter - Nominations and Elections.

Charter Commission Approvals - To Date

The Charter Commission approved changes to Section 4.1 and 4.2 at the November 17, 2021 Charter Commission Meeting. Upon further review, a few additional changes are recommended to conform with Minnesota State Statues regarding election notices and to better match how election notices are handled. These changes will help in administering City elections. The first attachment reviews the proposed changes to Section 4.1 and 4.2. Below the proposed revision is the clean updated version of what was previously approved at the November 17, 2021 meeting.

Included in the attachments are two peer cities Nomination and Election chapters that include language similar to what is being proposed. Richfield has a population of 36,661 and Hastings has a population of 22,303.

Minnesota Statute 205.16 is the third attachment. The City of Ramsey has followed the notices outlined in the State Statute for regular municipal elections and special elections.

The Charter Commission recently approved changes to Section 4.4 at the October 26, 2022 Charter Commission Meeting. The fifth and final attachment reviews the previously approved changes to 4.1, 4.2 and 4.4 of Chapter 4 -Nominations and Elections for reference.

Notification:

N/A

Time Frame/Observations/Alternatives:

NA

Funding Source:

N/A

Recommendation:

Based on discussion.

Outcome/Action:

Based on discussion.

Attachments

Proposed Redline Changes 4.1 and 4.2

City of Richfield Example

City of Hastings Example

Statute 205.16

Previously Approved Changes 4.1, 4.2 & 4.4 - Clean

Form Review

Inbox

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 01/19/2023

Reviewed By

Brian Hagen

Date

01/19/2023 03:24 PM

Started On: 12/19/2022 02:35 PM

Chapter 4 Sec. 4.1 Proposed Change

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 the city clerk's office and on the city website ~~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.

Clean Version approved by the Charter Commission 11-17-2021

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.

Chapter 4 Sec. 4.2 Proposed Change

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 84 days nor less than 70 days 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~~ in the city clerk's office and published in the official newspaper of the city at least ~~one~~ two weeks before such election by the city clerk, whose duty it is to preserve such sample ballots.

Clean Version approved by the Charter Commission 11-17-2021

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 84 days nor less than 70 days 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.

CHAPTER 4. NOMINATIONS AND ELECTIONS

Section 4.01. The Regular Municipal Election.

The regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year at such place or places as the City Council may designate. The City Clerk shall give at least two (2) weeks previous notice of the time and place of holding such election and of the officers to be elected by posting in the City Clerk's office and on the City website and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

(Amended, Bill 1994-4; Bill No. 2013-6)

Section 4.02. Primary Election.

On the second Tuesday in August preceding the regular municipal election there shall be a primary election for the selection of two nominees for each elected office at the regular municipal election unless no more than two nominees file for each elective office. The City Clerk shall give at least two weeks previous notice of the time and place of holding such election and of the officers to be elected by posting in at least one public place in each voting precinct and by publication at least once in the official newspaper, but failure to give such notice shall not invalidate such election.

Amended, Bill 1975-12; Bill 1994-4; Bill 2010-3)

Section 4.03. Special Elections.

The Council may by resolution order a special election and provide all means for holding it. At least two weeks published notice of a special election shall be given in the official newspaper. The procedure of such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.04. Nomination by Petition.

All candidates for elective office provided for by this Charter shall be nominated by petition. The name of any registered voter of the City shall be printed upon the ballot as a candidate for an office whenever a petition signed by at least ten registered voters has been filed with the City Clerk in a candidate's behalf within the time period provided by state law for such filings. No registered voter shall sign petitions for more candidates for any office than the number of persons to be chosen for that office at the election; should a signer do so, the signer's signature shall be void as to the petition or petitions last filed. Each petition presented shall be accompanied by a twenty-five dollar (\$25.00) filing fee.

(Amended, Bill 1987-8, Bill 1994-4)

Section 4.05. Nomination Petitions.

We, the undersigned registered voters of the City of Richfield, hereby nominate, _____ whose residence is _____, for the office of _____, to be voted for at the primary election to be held on the _____ day of _____, 19____, and/or the regular municipal election to be held on the _____ day of _____, 19____, and we individually certify that we are qualified registered voters and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

CHAPTER 2 NOMINATIONS AND ELECTIONS

[Section 2.01 Procedure At Elections](#)

[Section 2.02 Regular Municipal Elections](#)

[Section 2.03 Special Elections](#)

[Section 2.04 Primary Elections](#)

[Section 2.05 Petitions For Election](#)

[Section 2.06 Canvass Of Elections](#)

[Section 2.07 Present Elective Officials To Continue Term](#)

Section 2.01 Procedure At Elections

Except as otherwise provided in this Charter or an ordinance adopted pursuant hereto, the general laws of the State of Minnesota pertaining to elections shall apply to Municipal elections. Subject to the provisions of this charter and applicable State laws, the Council may by ordinance and resolution further regulate the conduct of municipal elections.

Section 2.02 Regular Municipal Elections

A regular municipal election will be held on the first Tuesday after the first Monday in November of each even numbered year. The City Clerk shall give at least two weeks notice of the time and place of holding said election and of the officers to be elected at said election by publishing said notice at least once in the newspaper of general circulation in the City. However, failure to give such notice shall not invalidate said election.

Section 2.03 Special Elections

The Council may by resolution order a special election and provide all means for holding it. The City Clerk shall give at least two weeks notice of the time and place of holding said election and of the officers to be elected at said election by publishing said notice at least once in a newspaper of general circulation in the City. However, failure to give such notice shall not invalidate said election. The procedure at such special election shall conform as nearly as possible to that prescribed for regular municipal elections.

Section 2.04 Primary Elections

On the date indicated by State Law preceding any general City election or on the third Tuesday preceding any special election held for the purpose of election of City officials, an election of nominees hereinafter designated as the "primary election" shall be held in each voting precinct for the selection of candidates for all elective offices within the City of Hastings to be filled at such ensuing election. A primary election shall only be called in the event that three (3) or more qualified persons have filed for the same ward council seat or the Mayor's position. When both at-large council seats are to be filled, a primary election shall be called only in the event five or more qualified persons have filed for the at-large council seats. In the event only one at-large council seat is to be filled, a primary shall be called only in the event three or more qualified persons have filed for the at-large council seat. The City Clerk shall cause to be published in a newspaper of general circulation, at least once, a notice of the primary election which shall state the time and place of holding such election and of the officers to be elected at said election. At said primary election there shall be nominated by the qualified electors of the City, two candidates for each office to be filled within the City at the next ensuing general or special election.

205.16 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.16 NOTICE.

Subdivision 1. **Publication and posting.** In every municipality, the municipal clerk shall, except as otherwise provided in this section, give two weeks' published notice, and may also give ten days' posted notice, of the election, stating the time of the election, the location of each polling place, the offices to be filled, and all propositions or questions to be voted upon at the election. In a city of the fourth class or a town not located within a metropolitan county as defined in section 473.121, the governing body may dispense with publication of the notice of the municipal general election, in which case ten days' posted notice shall be given. The municipal clerk shall also post a copy of the notice in the clerk's office for public inspection.

Subd. 2. **Sample ballot, publication.** For every municipal election, the municipal clerk shall, at least two weeks before the election, publish a sample ballot in the official newspaper of the municipality, except that the governing body of a fourth class city or a town not located within a metropolitan county as defined in section 473.121 may dispense with publication.

Subd. 3. **Sample ballot, posting.** For every municipal election, the municipal clerk shall at least two weeks before the election prepare a sample ballot for the municipality, make them available for public inspection in the clerk's office, and post a sample ballot in each polling place on election day.

Subd. 4. **Notice to auditor.** At least 74 days before every municipal election, the municipal clerk shall provide a written notice to the county auditor, including the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be voted on at the election. At least 74 days before every municipal election, the municipal clerk must provide written notice to the county auditor of any special election canceled under section 205.10, subdivision 6.

Subd. 5. **Notice to secretary of state.** At least 74 days before every municipal election for which a notice is provided to the county auditor under subdivision 4, the county auditor shall provide a notice of the election to the secretary of state, in a manner and including information prescribed by the secretary of state.

History: 1959 c 675 art 6 s 16; 1976 c 2 s 77,78; 1976 c 44 s 11; 1978 c 572 s 6,7; 1981 c 29 art 7 s 38; 1983 c 62 s 6; 1989 c 291 art 1 s 20; 1991 c 227 s 21; 1994 c 646 s 12,13; 1999 c 132 s 33; 2004 c 293 art 2 s 35,36; 2008 c 244 art 1 s 16; 2010 c 184 s 29,30; 2010 c 201 s 63-66; 2013 c 131 art 2 s 56,57

Chapter 4 Changes Previously Approved by the Charter Commission

Clean Version approved by the Charter Commission 11-17-2021

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 84 days nor less than 70 days 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.

Clean Version approved by the Charter Commission 10-26-2022

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.

Charter Commission

5. 4.

Meeting Date: 02/02/2023

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.

City of Ramsey Actions - To Date

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

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.

To date, the Charter Commission has approved changes to sections 4.1, 4.2 (minor updates were presented in the previous case) and 4.4. The case this evening is to discuss the options for section 4.5.

The attached Election Scenarios goes over Election dates and additional information as it relates to timelines and vacancies. The attachment with options for section 4.5 has been updated with comments and possible changes to the previously presented options. Also attached are examples from comparable Minnesota cities Charters on uniform election dates and procedures for filling vacancies on council.

This evening, City Attorney Knaak will be on hand to provide assistance with this matter.

Notification:

N/A

Time Frame/Observations/Alternatives:

NA

Funding Source:

N/A

Recommendation:

Staff recommends either option 1 or option 2 for Section 4.5. Both options follow uniform election dates which are consistent with how the City has administered past special elections and how all the other cities within Anoka County administer special elections. Staff also recommends Part 2 of Section 4.5, which removes that section. Staff does not have a preference on Part 3 of Section 4.5 - 4.5.6.

Outcome/Action:

Based on discussion.

Attachments

- Election Scenarios
- Section 4.5 Options
- Examples - Uniform Election Dates
- Peer City Examples - Appoint/Special Election
- Statute 205.10 Uniform Election Dates

Form Review

Inbox	Reviewed By	Date
Brian Hagen	Brian Hagen	01/19/2023 03:30 PM
Form Started By: Katie Schmidt		Started On: 12/20/2022 12:43 PM
Final Approval Date: 01/19/2023		

City of Ramsey Election Scenarios

2023 Uniform Election Dates

- Second Tuesday in February – February 14, 2023
 - Second Tuesday in April – April 11, 2023
 - Second Tuesday in May – May 9, 2023
 - Second Tuesday in August – August 8, 2023
 - First Tuesdays after first Monday in November – November 7, 2023
- The City has followed the uniform election dates since it took effect on January 1, 2018. We used the uniform election dates and timelines for the 8-13-2019 Special, the 11-5-2019 Special and the 2-9-2021 Special. Adding the State Statute to our Charter will add clear deadlines and more clarity to running elections.

State Statute §205.10 Subd. 3a.

Uniform election dates. (a) Except as allowed in paragraph (b) and subdivision 4, a special election held in a city or town must be held on one of the following dates: the second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November. A home rule charter city must not designate additional dates in its charter.

Uniform Election Months with Corresponding General Election Months

February Primary

➤ April General

April Primary

➤ August General

May Primary

➤ August General

August Primary

➤ November General

November Primary

➤ February General

Notice Needed

Candidate Filing Notice based on State Statute 205.13 Subd. 2
Requires at least two weeks published notice before the first day to file affidavits of candidacy. Published notice is required at least 98 days before the election, which is a Tuesday. Our local newspaper requires notice by Wednesday at 10am prior to the weekly Friday publication. In order to meet the statutory deadline, we need 104 days' notice. Before the publication can happen, Council needs to pass a resolution calling for a special election. A conservative number of days' notice needed would be **125** days prior to the primary special election date.

Possible Option to shorten up Vacancy

- There is nothing in State Statute that prohibits moving up a Special General election if a Primary is not necessary
- The State Elections department stated several cities and school districts regularly move up their Special General when a Primary election is not necessary
- The process to utilize that option would be to state it in the resolution passed by Council calling for a special election
- This would shorten up a vacancy to approximately 5 months as oppose to 7-9 months
- That is a possible option to add as section 4.5.5 to any of the options presented for section 4.5
- Council is not required, but *may* choose to use that option if it is added to the Charter

2023 Example Scenarios

February 14, 2023 Special Primary *Notice Needed by October 12, 2022*

- Primary (if needed) would be February 14, 2023
- Special General Election would be April 11, 2023
- Vacancy for approximately **7 months**
- *If the Charter is updated to move up the Special General if two or less candidates file, then Special General would take place on February 14, 2023*
- Vacancy for approximately **5 months**

April 11, 2023 Special Primary *Notice Needed by December 7, 2022*

- Primary (if needed) would be April 11, 2023
- Special General Election would be August 8, 2023
- Vacancy for approximately **9 months**
- *If the Charter is updated to move up the Special General if two or less candidates file, then Special General would take place on April 11, 2023*
- Vacancy for approximately **5 months**

May 9, 2023 Special Primary *Notice Needed by January 4, 2023*

- Primary (if needed) would be May 9, 2023
- Special General Election would be August 8, 2023
- Vacancy for approximately **8 months**
- *If the Charter is updated to move up the Special General if two or less candidates file, then Special General would take place on May 9, 2023*
- Vacancy for approximately **5 months**

August 8, 2023 Special Primary *Notice Needed by April 5, 2023*

- Primary (if needed) would be August 8, 2023
- Special General Election would be November 7, 2023
- Vacancy for approximately **8 months**
- *If the Charter is updated to move up the Special General if two or less candidates file, then Special General would take place on August 8, 2023*
- Vacancy for approximately **5 months**

November 7, 2023 Special Primary *Notice Needed by July 5, 2023*

- Primary (if needed) would be November 7, 2023
- Special General Election would be February 13, 2024
- Vacancy for approximately **8 months**
- *If the Charter is updated to move up the Special General if two or less candidates file, then Special General would take place on November 7, 2023*
- Vacancy for approximately **5 months**

Actual Past Examples

August 13, 2019 Special General Election Councilmember At-Large

- Resignation notice received November 6, 2018
- Special Primary Election (if needed) would have been April 9, 2019
- Special Election took place on August 13, 2019
- The Councilmember attended their first meeting on August 27, 2019
- *Vacancy for approximately **8 months***

November 5, 2019 Special General Election Councilmember Ward 3

- Resignation notice received April 9, 2019
- Special Primary Election (if needed) would have been August 13, 2019
- Special Election took place on November 5, 2019
- The Councilmember attended their first meeting on November 26, 2019
- *Vacancy for approximately **7 months***

February 9, 2021 Special General Election Councilmember Ward 1

- Resignation notice received July 14, 2020
- Special Primary Election (if needed) would have been November 3, 2020
- Special Election took place on February 9, 2021
- The Councilmember attended their first meeting on March 9, 2021
- *Vacancy for approximately **7 months***

Part 1 Section 4.5 – Option 1

If more than one year 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 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.

Optional Addition to all options presented for Section 4.5:

- 4.5.5 If two or fewer candidates file an affidavit of candidacy, the special primary election shall be canceled and the special general election may be moved up to the primary date with Council approval. If this option is utilized, it must be noted on the resolution calling for a special election.

Comments: This option only allows for Special Elections on the Uniform Election date in November. This option would follow the election calendar with a Special Primary in August if needed. Resignation Notice needed by April 5, 2023 for the Election to occur the same year as the resignation. The yellow highlighted could be left in, which would allow for appointment only if less than 365 days left in the term. (Special Election Date(s) in this option follow Uniform Election Dates per Minn Stat. §205.10.)

Part 1 Section 4.5 – Option 2
If more than one year 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 occur on a date established by the City Council per Minn Stat. §205.10, as the same may be revised, amended or recodified, 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~~ ~~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.

Comments: This option would fill the seat at the next available Uniform Election Date. The City has used the Uniform Election Dates since 2016 when Minn. Stat. §205.10 was amended. The yellow highlighted could be left in, which would allow for appointment only if less than 365 days left in the term.

Sec. 10.

Minnesota Statutes 2016, section 205.10, is amended by adding a subdivision to read:

Subd. 3a.

Uniform election dates.

(a) Except as allowed in paragraph (b) and subdivision 4, a special election held in a city or town must be held on one of the following dates: the second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November. A home rule charter city must not designate additional dates in its charter.

Part 1 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 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~~ ~~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.

Comments: If the deadline is missed for a third year November Election, no special Election will occur in the third or fourth year of the term. Longest appointment option. The yellow highlighted could be left in, which would allow for appointment only if less than 365 days left in the term. (Special Election Date(s) in this option follow Uniform Election Dates per Minn Stat. §205.10.)

Part 1 Section 4.5 – Option 4

Vacancies filled no later than next legally feasible November election day, more definition for timing of elections that are not feasible or that cannot comply with notice provisions

Sec. 4.5. – Vacancy of municipal elected office.

- 4.5.1 ~~In the event that When a vacancy in an elected office of the city occurs with 365 days or more remaining in the term of the vacated office, there shall be a special election held within 90 days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated. three or more days before the first day to give 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 of the vacancy. In the event that a vacancy in an elected office of the city occurs after the notice provisions in state law 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 notice provisions in state law to give notice of the period for filing an affidavit of candidacy for an election on the first Tuesday after the first Monday in November of the third year of the term, no special election shall be required but the city council may, by resolution, order that a special election to fill the balance of the unexpired term be held no later than the second Tuesday in May of the fourth year of the term.~~
- 4.5.2 ~~A person elected at a special election held pursuant to this section to fill the balance of the unexpired term shall take office immediately after being qualified.~~
- 4.5.34 In the ~~event~~ of a vacancy ~~where there remains less than 365 days in the unexpired term in an elected office of the city,~~ the council shall, by a majority vote, appoint a successor to serve ~~the balance of for the unexpired remainder of said term or until a successor elected at a special election held pursuant to this section is qualified.~~ In the case of a tie vote of the council, the mayor, or acting mayor if the office of mayor be vacant shall make the appointment from the candidates involved in the tie vote.
- 4.5.43 The procedure at such election ~~and assumption of duties of elected officers following such election~~ shall conform as nearly as practicable to that prescribed for other municipal elections under this Charter.

Comments: Special Election at next feasible November election date, if notice deadline is missed for third year November Election, a Special Election may be called by Council for a May Special Election in the fourth year of the term. The yellow highlighted could be left in, which would allow for appointment only if less than 365 days left in the term. (All options follow Uniform Election Dates in Minn Stat. §205.10)

Part 1 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 notice 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~~ 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.

Comments: No special if vacancy is less than two years (Special Election Date(s) in this option follow Uniform Election Dates per Minn Stat. §205.10.)

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.~~

Comments: This removes section 4.5.5 and deletes the original 4.5.2, all previous options outline an updated/new 4.5.2

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.

For Reference purposes, current Charter language:

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.

RRM: #317628 Originally Presented 4-20-2021
Modified December 2022

Section 3.11 AMENDMENT AND REPEAL OF ORDINANCES AND RESOLUTIONS. Every ordinance or resolution repealing all or part of a previous ordinance or resolution shall give the number, if any, and the title of the ordinance or resolution to be repealed in whole or in part. No ordinance or resolution shall be amended by reference to the title alone. Such an amending ordinance or resolution shall set forth in full each section or subdivision to be amended and shall indicate by appropriate type or symbols matter to be omitted or added.

Section 3.12 REVISION AND CODIFICATION OF ORDINANCES. The city may revise, rearrange, and codify its ordinances with such additions and deletions as may be deemed necessary. The ordinance code may be published in book, pamphlet, or continuously revised loose-leaf form. Copies shall be made available by the council at the office of the city clerk for general distribution to the public free or for a reasonable charge. Publication in such a code shall be a sufficient publication of any ordinance provision not previously published if a notice that copies of the codification are available at the office of the city clerk is published in the official newspaper for at least two successive weeks.

CHAPTER 4

NOMINATIONS AND ELECTIONS

Section 4.01 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 place or places as the city council may designate. The city clerk shall give at least two weeks published notice pursuant to Minn. Stat. § 205.16, as the same may be revised, amended or re-codified, of the time and place of holding such election and of the officers to be elected. Failure to give such notice shall not invalidate the election.

Section 4.02 PRIMARY ELECTION. In accordance with Minnesota Stat. § 205.065, as the same may be revised, amended or re-codified from time to time, on the day and month set therein for holding a state primary election, there shall be a primary election for the selection of two nominees for elective office at the regular municipal election, unless only two nominees file for each elective office.

Section 4.03 SPECIAL ELECTIONS. The council may, by resolution, order a special election and provide all means for holding it in accordance with Minn. Stat. §205.10, as the same may be revised, amended or re-codified. The city clerk shall give at least two weeks published notice of a special election. The procedure at such election shall conform as nearly as possible to that prescribed for other city elections.

When a special election is required to fill a vacant office, the special election shall occur on a date established by the City Council per Minn. Stat. §205.10, as the same may be revised, amended or re-codified. A special primary election shall be held if more than two candidates file for such office, with the two candidates receiving the most votes proceeding to the special election, except that if one candidate receives greater than 50 percent of all votes cast at the special primary election, that candidate shall be declared the winner and no special election shall be held. When a special primary election is held and no candidate receives greater than 50 percent of all votes cast, the special election shall be held pursuant to Minn. Stat. §205.10, as the same may be revised, amended, or re-codified.

Section 4.04 FILING FOR OFFICE. The City Clerk shall follow Minn. Stat. §205.13, as the same may be revised, amended or re-codified from time to time.

Section 4.05 PROCEDURE AT ELECTIONS. Subject to this Charter and applicable state laws, the council may by ordinance further regulate the conduct of municipal elections. Except as otherwise provided by this Charter and supplementary ordinances, general state laws on elections shall apply to municipal elections.

Chapter 4 **Elections**

Section 4.01 Conduct of Elections

All City elections shall be held and conducted and the votes canvassed in the manner provided by law.

Section 4.02 General Election

The City General Election shall be held on the first Tuesday after the first Monday in November in every even-numbered year at such place or places as the Council may designate.

Section 4.03 Primary Election

The City Primary Election shall be held on the same date as the state primary election as determined by state statute at such place or places as the Council may designate. The city clerical officer shall place upon the City Primary Election ballot, without party designation, the names of individuals whose candidacy has been filed. The two candidates receiving the highest number of votes for any single office shall be placed on the City General Election ballot as nominees for that office. When no more than two individuals file for nomination to any single office, their names shall not be placed upon the City Primary Election but shall be placed upon the City General Election ballot as the nominees for that office and no Primary Election for that particular office shall be held.

Section 4.04 Filing

Not more than 10 nor less than 8 weeks before the City Primary Election any individual who is eligible and desires to become a candidate for either the office of Mayor or Council Member shall, upon payment of the fee established by law, file an Affidavit of Candidacy with the city clerical officer.

In addition, the city clerical officer shall also accept, without the payment of any fee, a Nominating Petition signed by at least 100 registered voters for the office of Mayor and Council Member-at-Large, 75 registered voters for the combined ward Council Members, and 50 registered voters for a Council Member elected from a ward, provided that the individual on whose behalf the petition has been circulated endorses the petition with a statement indicating his/her willingness to accept the office if duly elected. All signers of a petition to be counted as valid must be registered voters within a precinct eligible to vote for that particular office. No registered voter shall sign more than one petition for a particular office and should a voter do so, his/her signature shall be valid only as to the petition or petitions first filed.

All Affidavits of Candidacy and Nominating Petitions must be filed no later than 5:00 pm on the day filings close. Any candidate may withdraw from the election by filing an Affidavit of Withdrawal with the city clerical officer no later than 5:00 p.m. two days after the last day for filing affidavits of candidacy.

Section 4.05 Special Elections

The Council may by resolution order a special election and provide all means for holding it. A special election must be held on a date authorized by Minnesota Statutes Section 205.10, subdivision 3a, as amended. No primary shall be required in a special election

held under this section. All other procedures at such election shall conform as nearly as possible to that prescribed for other municipal elections.

Section 4.06 Affidavit of Candidacy

Any Affidavit of Candidacy or Nominating Petition to be valid must state the name of the office sought; shall state that the candidate is an eligible voter and is, or will be on assuming the office, 21 years of age; has no other affidavit on file as a candidate for any office to be elected at the next ensuing City General Election or any other election to be held in conjunction therewith that would be deemed to be in conflict with the City office sought; will have maintained residence in the City if seeking the office of Mayor or Council Member-at-Large, in one of the two combined wards for the combined ward Council Member seats, or in the respective ward if seeking the office of Council Member from a ward for at least 30 days before the City General Election; and include a statement that the candidate's name as written on the affidavit of Candidacy or Nominating Petition is the candidate's true name or the name by which the candidate is commonly and generally known within the City.

Section 4.07 Forms

The city clerical officer shall be responsible for devising the form of the Affidavit of Candidacy and Nominating Petition consistent with the provisions contained herein and by law. Any Nominating Petition need not be appended to one paper, but to each separate paper there shall be attached an affidavit by the circulator thereof stating the number of signers on such paper and that each signature appended thereto was made in his/her presence and is the genuine signature of the person whose name it purports to be. With each written signature a place for the legible printed name of the signer and his/her place of residence in sufficient form is required so as to identify whether he/she is a valid registered voter.

CHAPTER 4. NOMINATIONS AND ELECTIONS

Sec. 4.01. General election laws to apply.

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this charter. The council shall, through ordinances duly adopted in compliance with such state laws and this charter, adopt suitable and necessary regulations for the conduct of such elections.

Sec. 4.02. Regular municipal elections.

A regular municipal election shall be held on the first Tuesday after the first Monday in November of the year in which an election is to be held at such place or places as the city council may designate by resolution. At least fifteen (15) days' notice shall be given by the city clerk of the time and places holding such election, and of the offices to be elected, by posting a notice in a conspicuous place thereof at City Hall, online including but not limited to the city's website, and by publishing a notice thereof at least once in the official newspaper of the city, but failure to give such notice shall not invalidate such election.

(Ord. No. 01-1917, 11-15-2001; Ord. No. 17-2385, 11-16-2017)

Sec. 4.03. Primary elections.

There shall be a primary election on the date established by Minnesota state law for the selection of two (2) nominees for each elective office at the regular municipal election, unless only two (2) nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary.

(Ord. No. 239, 7-2-1970; Ord. No. 10-2208, 7-15-2010)

Sec. 4.04. Special elections.

The council may, by resolution, order a special election and provide all means for holding it. Published notice of a special election shall be given in the official newspaper at least two (2) weeks prior to such special election. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections, except that there shall be no primary election prior to a special election held pursuant to section 2.05 of the charter of the City of Blaine. Dates on which a special election may be held are: second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November (general election date), or as otherwise allowed by Minnesota state law.

(Ord. No. 98-1703, 4-2-1998; Ord. No. 17-2385, 11-16-2017)

Sec. 4.05. Judges of election.

The council shall at least twenty-five (25) days before each election, appoint qualified eligible voters for each voting precinct to be judges of election as provided by Minnesota state law. The council shall set compensation for the election judges.

(Ord. No. 01-1917, 11-15-2001; Ord. No. 17-2385, 11-16-2017)

Sec. 4.06. Candidate for office.

All candidates for office provided for by this chapter who desire to be elected to any elected office, shall file an affidavit not more than eighty-four (84) days nor less than seventy (70) days, or per Minnesota state law, prior to the primary election date, with the city clerk, paying the said officer a fee of fifty dollars (\$50.00). Such affidavit or application shall state that the candidate is an eligible voter of the City of Blaine and the name of the office for which such person is a candidate.

At the time of filing an affidavit of candidacy, a candidate may present a petition in place of the filing fee. The petition may be signed by an individual eligible to vote for the candidate. The number of signatures on the petition in place of a filing fee shall be the lesser of five hundred (500) signatures or five (5) percent of the total number of votes cast in the election ward at the preceding general election at which that office was on the ballot. The city clerk shall make available sample forms for petitions in place of filing fees.

A write-in candidate who wants their write-in votes to be counted in the general election must file a written request with the city clerk no later than seven (7) days before the general election. All write-in votes cast for candidates who have not filed a written request to have these votes counted shall be treated collectively as votes for a single candidate.

(Ord. No. 253, 1-21-1971; Ord. No. 750, 3-18-1982; Ord. No. 88-1098, 11-3-1988; Ord. No. 97-1685, 11-20-1997; Ord. No. 10-2208, 7-15-2010; Ord. No. 12-2239, 3-15-2012; Ord. No. 17-2385, 11-16-2017)

Sec. 4.07. Withdrawal of candidate.

Any person whose name has been presented in the manner provided for in the foregoing section as a candidate, may, not later than 5 o'clock p.m. of the second (2nd) day after the last day for filing or at such other time established by Minnesota state law, cause such person's name to be withdrawn from nomination by filing with the city clerk a request to do so in writing. No name so withdrawn shall be printed upon the ballot.

(Ord. No. 10-2208, 7-15-2010)

Sec. 4.08. Canvass of elections and taking of office.

The council must meet and canvass the election returns made in the manner provided for the state primary so far as practicable. The canvass may be conducted on either the second (2nd) or third (3rd) calendar day after any primary election and between the third (3rd) and tenth (10th) day after any general (regular) or special election, or at such other time established by Minnesota state law and shall make full declaration of the results as soon as possible and file a statement thereof with the city clerk, and said statement shall be made a part of the minutes.

(Ord. No. 10-2208, 7-15-2010; Ord. No. 17-2385, 11-16-2017)

Every elected officer may be removed from this office by vote of two-thirds of the City Council, provided that such official shall not be removed except for cause, after having been furnished with a written statement of the reasons therefore and after being given a reasonable opportunity to be heard in his/her defense. The City Council shall fix a date for a hearing on such charges not less than 10 days after notice to the accused officeholder and shall have authority to compel the attendance of witnesses and to request any necessary records and papers. In the event the officeholder neglects to appear to answer the charges or the City Council finds that the charges are sustained and provides sufficient cause for removal, it may, by two-thirds vote, declare the office vacant. Nothing contained in this section shall preclude the Council from establishing by ordinance criteria whereby an elected official who is absent from a prescribed number of meetings is deemed to have resigned.

Section 2.06 Vacancies

A vacancy in the Council or office of Mayor shall be deemed to exist when any of the following events occur:

- 1) The failure of the candidate elected to qualify on or before the date of the second regular meeting after the new Council's organizational meeting;
- 2) By reason of the death, resignation, removal from office, change of residence from the ward or wards from which elected, or continuous absence from the ward or wards from which elected for more than three months;
- 3) By reason of the conviction of a felony which disqualifies an individual from holding office.

Procedure for resignations shall be as provided by State law. In the case of a vacancy, the Council shall, by resolution adopted within seven days of the vacancy, declare such vacancy to exist and shall fill the vacancy by special election held on a date authorized by Minnesota Statutes section 205.10, subdivision 3a, as amended. The special election will be held on the first possible date authorized by said statute where the City can also follow the affidavit of candidacy filing period and notice of filing period requirements in Minnesota Statutes section 205.13, as amended. The vacant seat shall remain vacant until the replacement elected at the special election qualifies and takes office. The replacement elected at the special election shall fill the unexpired part of the term of the person requiring replacement.

If, however, a vacancy occurs in a general election year on or after April 1 and the term of the vacant seat is scheduled to expire the following year (in January), no special election shall be held. The vacant seat shall remain vacant until the replacement elected at the general election qualifies and takes office.

***No Appointment**

***Special Election at next Uniform Election
Date**

Section 2.05. Vacancies.

Subdivision 1. Existence.

- (1) A vacancy shall exist as of the date of death or resignation of a Council Member.
- (2) As soon as it is determined that a Council Member is ineligible because of any of the following reasons:
 - (i) the failure of any person elected to the Council to qualify on or before the date of the second regular meeting of the Council in the year following the year of election;
 - (ii) the Council Member ceasing to be a resident of the City;
 - (iii) a district Council Member ceasing to be a resident of the district which the member represents;
 - (iv) continuous absence of the Council Member from the City for more than 90 days;
 - (v) conviction of a Council member of a felony whether before or after qualification;
 - (vi) any other reason specified by law except those reasons specified in paragraph (1) of this subdivision; or
 - (vii) by reason of the failure of the Council Member without good cause to perform any of the duties of a Council Member for a period of 90 days, the Council shall, by resolution at a regular or special Council meeting, declare a vacancy on the Council to exist.

Subd. 2. Procedure Following Vacancy.

- (1) If 90 days or less remain in the Council Member's term after the vacancy, the person elected to that office for the term commencing on January 1 of the next year shall be appointed by the Council to fill the remaining portion of the unexpired term at the next regular Council meeting following the declaration of the results of the election with the City Clerk. The appointment shall be the first order of business of such meeting.
- (2) If less than 180 days and more than 90 days remain in the Council Member's term of office after the vacancy, the Council shall appoint an eligible person to fill the vacancy for the unexpired term. If the Council fails to agree upon an appointee to fill the vacancy within 30 days after the vacancy, the Mayor shall appoint a person to fill the vacancy.
- (3) If 180 days or more remain in the Council Member's term of office after the vacancy, the Council shall call a special election to fill the vacancy for the balance of the Council member's term. The special election shall be called at the same Council meeting at which the vacancy is declared to exist or at the next regular Council meeting following the death or resignation of a Council Member, as the case may be. The special election shall be held not less than 30 nor more than 60 days after the Council meeting at which the election is called. The election to fill the unexpired term shall be in accordance with the provisions of Section 4.03, except that there shall be no primary election and the candidate receiving the highest number of votes shall be elected to fill the unexpired term.

The term of the person so elected shall start as soon as the declaration of the results has been filed with the City Clerk and the person has qualified for office. (Amended, Bill No. 199 2-10)

***Special Election if more than 180 days left
in term
*If between 90 and 180 days left, Council
makes an appointment**

audits as it deems necessary. Such audits shall be made by the State or by a certified public accountant or firm or such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers. The Council may, without requiring competitive bids, designate such accountant or firm annually.

The Council may investigate the affairs of the City and the conduct of any City department, office or agency, and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Council shall be guilty of a misdemeanor.

Sect. 4.12. Council -- Meetings and Procedures. The Council shall make its rules of procedure and shall be the judge of the qualifications and election of its members and of the grounds for forfeiture of their offices, and for this purpose shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in the official newspaper at least one week in advance of the hearing. Decisions made by the Council under this section shall be subject to review by the courts.

Council vacancies shall be filled by appointment when the remaining term of office is less than six (6) months. The appointment shall be by majority vote of the Council. Notice of the vacancy shall be published by the City Clerk in the official newspaper one week prior to the meeting for the appointment.

Council vacancies shall be filled by special election when the remaining term of office is six (6) months or greater. The City Clerk shall, within fifteen (15) days of the vacancy, give legal notice in the official newspaper of the vacancy, with dates for filing and the date(s) of the special election(s). The period for filing for the vacancy shall be ten (10) calendar days from (including) the date of the legal notice. The special election shall occur within fifteen (15) to twenty (20) days after the close of filing. If more than two (2) candidates have filed for the vacancy, the first election date shall be considered the primary election with general election date occurring fourteen (14) days later. When two (2) or fewer candidates have filed for the vacancy, the general election shall occur on the first election date.

The Council at its first regular meeting in January following the annual municipal election shall set the day of its regular monthly meetings for the year. Special meetings may be called by the Mayor or by the Chair of the Council at any time. Reasonable public notice shall be given for all special Council meetings through the media. (Ref. Ord. 898, 8/24/93)

Three (3) members shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time. The Council shall have the power to compel the attendance of its members at regular and special meetings. The absence of a member from three (3) consecutive regular meetings shall be deemed as sufficient cause for removal from office.

Sect. 4.13. Chair of the Council -- Acting Mayor. At the first regular meeting of the Council in January following the annual municipal election, the Council shall elect one

***Appointment if less than 6 months
remaining in term**

***Special Election if 6 months or more
remaining in term**

election and qualification of such elective officer and shall continue until a successor is elected and qualified. If the first Monday is a holiday, the term of office shall then begin the first Tuesday in January.

Section 2.05. APPOINTIVE OFFICER. The appointive officer of the City, not including members of boards or commissions established herein or by ordinance, shall be appointed by majority vote of the council, and shall consist of a city administrator.

Section 2.06. MAYOR AND MAYOR PROTEM. The mayor shall be the presiding officer of the council. At its first regular meeting in January after each city election, the council shall choose a mayor protem who shall serve as presiding officer in the mayor's absence and as acting mayor in case of the mayor's disability or absence from the City, or in case of a vacancy in the office of mayor. The mayor shall have a vote as a member of the council. The mayor protem shall exercise all powers and perform all duties conferred and imposed upon the mayor by this Charter, the ordinances of the City and laws of the State of Minnesota.

The mayor shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purposes of serving civil process, and by the governor for the purposes of martial law. The mayor shall study the operations of the city government and shall report to the council any neglect, dereliction of duty, or waste on the part of any officer or department of the City. In time of public danger or emergency the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law.

Section 2.07. INCOMPATIBLE OFFICES. No elective officer shall hold any other paid municipal office or employment for the City, and no former elective officer shall be appointed to any paid appointive office or employment for the city which office or employment was created or the compensation for which was increased during such elective officer's term of office, within one year of leaving such elective office.

Section 2.08. SALARIES. The salaries of the elective officers shall be established by Minnesota Statute 415.11, as such statute may be amended from time to time. The council shall establish the salary of the city administrator.

Section 2.09. VACANCIES IN THE COUNCIL. A vacancy in the council shall be deemed to exist in case of expiration of the term of any elective officer without an elected successor, the failure of any elective officer to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, removal from the city, continuous absence from the city of more than three months, conviction of a felony of any such elective officer whether before or after such qualification, or by reason of the failure of any elective officer without good cause to perform any of the duties of membership in the council for a period of three months. In each such case the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same. In the case of a tie vote in the council, the mayor shall make the appointment. In the event the unexpired term of

*Appointment if less than 1 year
remaining in term

*Special Election if 1 year or more
remaining in term

the vacant seat is one year or less, such appointee shall complete the unexpired term. In the event the unexpired term of the vacant seat exceeds one year, a special election shall be held at or before the next regular municipal election to fill the remainder of the vacancy. The city administrator shall give published notice of such special election in the official newspaper of general circulation, at least 30 days prior to said special election.

Section 2.10. INVESTIGATION OF CITY AFFAIRS. The council and any person formally authorized by the council shall have power to make investigations into the City's affairs, to subpoena witnesses, administer oaths, and compel the production of books and papers. The council may at any time provide for an examination or audit of any commission, board, department or employee of the city government and it may cause to be made any survey or research study of any subject of municipal concern.

Section 2.11. INTERFERENCE WITH ADMINISTRATION. Neither the council nor any of its members shall dictate the appointment or removal of any city employee, but the council may express its views and freely discuss with the city administrator anything pertaining to appointment and removal of city employees. Except for the purpose of inquiry and investigation under Section 2.10, the council and its members shall deal with and control city employees under the jurisdiction of the city administrator solely through the city administrator, and neither the council nor any council member shall give orders to any city employee either publicly or privately.

CHAPTER 3

Procedure of Council

Section 3.01. COUNCIL MEETINGS. On the first Monday in January following a regular municipal election the council shall meet at the usual place and time for the holding of council meetings. If the first Monday is a holiday, the first Tuesday in January shall then be used. At this time the newly elected members of the council shall assume their duties. Thereafter the council shall meet at such time each month as may be prescribed by ordinance and resolution. The mayor or any other three members of the council may call special meetings of the council upon at least twelve hours notice to each member of the council and such reasonable public notice as may be prescribed by council rule in compliance with the laws of Minnesota. To the extent provided by law all meetings of the council shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times.

Section 3.02. SECRETARY OF THE COUNCIL. The city administrator may designate any employee of the City (except a member of the council) to act as secretary of the council. The secretary shall keep a journal of council proceedings and such other records and perform such other duties as this charter or the council may require. The council may provide for such other officers and employees as may be necessary to serve at its meetings.

Section 2.09. Vacancy - How Filled.

A vacancy in the office of any elected official shall be filled by city council appointment until an election is held as provided in this section. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election, or when less than two years remain in the unexpired term, there shall be no special election to fill the vacancy and the appointed person shall serve until the qualification of a successor elected at a regular city election.

***Appointment if less than 2 years
remaining in term**

***Special Election if 2 years or more
remaining in term**

3.03 Filling of vacancies.

When a vacancy occurs in the office of Mayor or on the Council, the Council by majority vote of all remaining members shall appoint a qualified person to fill the vacancy to serve the remainder of the term. If this action is not taken within 60 days following the occurrence of the vacancy, a special election shall be called to fill the vacancy, to be held not sooner than 90 days and not later than 120 days following the occurrence of the vacancy, and to be otherwise governed by law. When a vacancy occurs in the office of the Mayor, the Vice-Mayor shall act as Mayor until the vacancy is filled.

(Ord. No. 822, 5-21-96; Ord. No. 1083, § 1, 10-6-15)

***Option - Appoint or hold Special Election**

1-205 Vacancies in the Council.

- (1) A vacancy in the membership of the Council shall be deemed to exist if a person elected thereto:
- (a) Fails to qualify on or before the date of the second regular meeting of the new Council.
 - (b) Dies before completing the term of office to which elected.
 - (c) Resigns from the office.
 - (d) Is removed from the office by a court of competent jurisdiction.
 - (e) Removes from the City or removes from the Ward to which elected.
 - (f) Attends no regular, special or emergency meetings of the City Council during any period of seventy (70) consecutive calendar days.
 - (g) Is convicted of a felony, whether before or after qualifying.

[Revised 1/3/95, Ordinance 1517]

- (2) In each such case, the Council shall, by resolution, declare such vacancy to exist and the Council shall, by resolution, within 30 days thereafter, either:
- (a) Appoint an eligible person to fill the office until the next regular municipal election when the office shall be filled for the unexpired term, unless the unexpired term is in its final two years in which case the person appointed shall serve until the term expires, or

[Revised 4/19/05, Ordinance 1887]

- (b) Order a special municipal election to fill such vacancy for the unexpired term.

The Council shall set times for filings for such office provided filings shall close not sooner than seven (7) days after the adoption of the resolution. Such election shall be held no less than 45 nor more than 60 days after the adoption of such resolution. If more than two candidates file for such office, a special primary election shall be held two weeks prior to the special municipal election.

[Revised 04/27/93, Ordinance 1449]

***Option - Appoint or hold Special Election**

205.10 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.10 MUNICIPAL SPECIAL ELECTIONS.

Subdivision 1. **Questions.** Special elections may be held in a city or town on a question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the governing body of the municipality on its own motion or, on a question that has not been submitted to the voters in an election within the previous six months, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last municipal general election. A question is carried only with the majority in its favor required by law or charter. The election officials for a special election shall be the same as for the most recent municipal general election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the municipal general election.

Subd. 2. **Vacancies in city offices.** Special elections shall be held in statutory cities to fill vacancies in elective city offices as provided in section 412.02, subdivision 2a.

Subd. 3. [Repealed, 2017 c 92 art 2 s 26]

Subd. 3a. **Uniform election dates.** (a) Except as allowed in paragraph (b) and subdivision 4, a special election held in a city or town must be held on one of the following dates: the second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November. A home rule charter city must not designate additional dates in its charter.

(b) A special election may be held on a date other than those designated in paragraph (a) if the special election is held in response to an emergency or disaster. "Emergency" means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring. "Disaster" means a situation that creates an actual or imminent serious threat to the health and safety of persons or a situation that has resulted or is likely to result in catastrophic loss to property or the environment.

Subd. 4. **Vacancies in town offices.** Special elections to fill vacancies in town offices as provided in section 367.03, subdivision 6, must be held with the town general election or on a date authorized by subdivision 3a.

Subd. 5. **Limit on ballot questions.** The governing body of a city or town may not act to submit a ballot question at a general or special election and may not accept a petition for submission of a ballot question at a general or special election unless all election-related deadlines can be met, including publication deadlines for all required notices. A petition rejected under this subdivision may be resubmitted at a time when compliance with all election-related deadlines is possible. Nothing in this subdivision requires the scheduling of a special election for a ballot question.

Subd. 6. **Cancellation.** A special election ordered by the governing body of the municipality on its own motion under subdivision 1 may be canceled by motion of the governing body, but not less than 74 days before the election.

History: 1959 c 675 art 6 s 10; 1976 c 2 s 74; 1976 c 44 s 6; 1981 c 29 art 7 s 38; 1981 c 172 s 1; 1983 c 62 s 4; 1993 c 375 art 7 s 7; 1994 c 646 s 8,9; 1997 c 147 s 42; 1999 c 75 s 1; 1999 c 132 s 31,32; 2003 c 75 s 1; 2008 c 244 art 1 s 15; 2013 c 131 art 2 s 54; 2016 c 161 art 1 s 14; 2017 c 92 art 2 s 10,11

Charter Commission

5. 5.

Meeting Date: 02/02/2023

By: Katie Schmidt, Administrative Services

Information

Title:

Review Proposed Charter Amendment brought forward by Commissioner Bendtsen

Purpose/Background:

At the Charter Commission meeting on October 26, 2022, Commissioner Bendtsen proposed the following Charter Amendment with this addition to section 10.4: “No franchise fee may be implemented or mandated by ordinance for the purposes of road or street improvement, construction, or reconstruction.”

Current Charter Language:

Section 10.4 Power of Regulation Reserved. Subject to any applicable state statutes, the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable state or municipal law, or regulation, or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.

Proposed Amendment to Charter Language (additions indicated by underline):

Section 10.4 Power of Regulation Reserved. Subject to any applicable state statutes, the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable state or municipal law, or regulation, or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain. No franchise fee may be implemented or mandated by ordinance for the purposes of road or street improvement, construction, or reconstruction.

Time Frame/Observations/Alternatives:

Recommendation:

Staff does not hold a recommendation on this matter.

Outcome/Action:

Dependent on Charter Commission direction.

Attachments

Draft Ordinance #23-02

Form Review

Inbox

Brian Hagen

Form Started By: Katie Schmidt

Final Approval Date: 01/19/2023

Reviewed By

Brian Hagen

Date

01/19/2023 03:51 PM

Started On: 01/19/2023 09:28 AM

ORDINANCE #23-02
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA

**AN ORDINANCE AMENDING THE CITY CHARTER OF THE CITY OF
RAMSEY, MINNESOTA THAT NO FRANCHISE FEE MAY BE
IMPLEMENTED OR MANDATED BY ORDINANCE FOR THE PURPOSES
OF ROAD OR STREET IMPROVEMENT, CONSTRUCTION, OR
RECONSTRUCTION**

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 7.

SECTION 2.

The Section 10.4 of the City of Ramsey Charter is amended to read as follows (additions indicated by underline):

Section 10.4 – Power of Regulation Reserved.

Subject to any applicable state statutes, the council may by ordinance reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to be charged by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares, or prices under any applicable state or municipal law, or regulation, or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain. No franchise fee may be implemented or mandated by ordinance for the purposes of road or street improvement, construction, or reconstruction.

SECTION 3. EFFECTIVE DATE

This ordinance becomes effective 90 days after its passage and publication as provided by Minnesota Statutes Section 410.12, Subdivision 7, 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 February 2023.

Mayor

ATTEST:

City Clerk