



CHARTER COMMISSION
City Hall—Shared Vision Room, 3989 Central Ave NE
Thursday, April 18, 2024
7:00 PM

AGENDA

ATTENDANCE INFORMATION FOR THE PUBLIC

Members of the public who wish to attend may do so in-person. For questions please call the Administration Department at 763-706-3610.

CALL TO ORDER

ROLL CALL/STATUS OF MEMBERSHIP

- 1. Appointment of Commissioner Christine Brown.**

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- 2. January 18, 2024 Meeting Minutes.**

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- 3. Discussion and Possible Motion for Charter Revision of Recall Section.**

ADJOURNMENT

Please call President Laine at 612-834-0452 if you cannot attend.

Auxiliary aids or other accommodations for individuals with disabilities are available upon request when the request is made at least 72 hours in advance. Please contact Administration at 763-706-3610 to make arrangements.

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ANOKA

TENTH JUDICIAL DISTRICT

**ORDER APPOINTING MEMBER TO THE
CITY OF COLUMBIA HEIGHTS CHARTER COMMISSION**

NOW, THEREFORE, IT IS HEREBY ORDERED:

That Ms. Christine Brown is hereby appointed to the City of Columbia Heights Charter Commission for a term to expire on March 31, 2028.

BY THE COURT:



Digitally signed by Hiljus,
Stoney (Judge)
Date: 2024.03.12 08:45:53
-05'00'

Stoney Hiljus, Chief Judge
Tenth Judicial District



CHARTER COMMISSION
Columbia Heights City Hall, 3989 Central Ave NE, Shared Vision
Thursday, January 18, 2024
7:00 PM

Draft Minutes

CALL TO ORDER

ROLL CALL/STATUS OF MEMBERSHIP

Members present: Kathy Ahlers, Wolid Ahmed, Ramona Anderson, Larry Betzhold, Ben Harris, Bill Hugo, Carolyn Laine, Frost Simula, Gregory Sloat, Marsha Stroik, Nick Zeimet

Members absent: Excused: Matt Abel, Veronica Johnson; Unexcused: Susan Wiseman

Also Present: Council Liaison Rachel James

- 1. Appointment of Commissioner Marsha Stroik**
- 2. Resignation of Commissioner Cliff Johnson**

APPROVAL OF AGENDA

Motion by Simula, second by Hugo. Motion passed.

APPROVAL OF MINUTES

- 3. October 19, 2023 Meeting Minutes**

Motion by Ahmed, second by Anderson. Motion passed.

Election of Officers

- 4. President, Vice President, and Secretary**

- a. President**

Laine - Motion by Laine, second by Simula.
Laine elected.

- b. Vice President**

Betzhold - Motion by Anderson, second by Hugo.
Johnson - Motion by Ahlers, second by Simula.
Betzhold elected.

- c. Secretary**

Simula - Motion by Hugo, second by Ahlers.
Simula elected.

CORRESPONDENCE

In response to a previous question, Council Liaison Rachel James sent an email explaining how the city attorney is paid for Charter Commission work.

OLD BUSINESS

(None)

NEW BUSINESS**5. Introduction of new Interim City Attorney Scott Lepak**

Lepak introduced himself and clarified that the city's retainer for his services included whatever is needed to support the Charter Commission's work.

Regarding the special election on February 13, 2024, it was asked if voting 'no' on the first Recall question would disqualify voting on the second Replacement question. Lepak clarified that the two questions are separate, and a voter can vote as they wish on both parts.

Regarding the same special election, it was asked if the official named in the first Recall question could be included in the second Replacement question as a write-in candidate. Lepak clarified that state law requires all non-primary election ballots to offer the opportunity to write in a name. However, Lepak committed to further research into whether this forms a conflict within the intent of the charter.

6. Approval of the 2023 Charter Commission Annual Report

Motion to approve: Hugo, second by Anderson. Motion passes.

ADJOURNMENT

Motion: Ahlers, second Betzhold. Motion passes. Meeting adjourned at 7:35pm. Next meeting is April 18 at 7pm.

Misc. notes from the *League of Minnesota Cities* handbook

<https://www.lmc.org/news-publications/publications/handbook-for-minnesota-cities/>

Recall

A charter may not provide for removal of councilmembers by the council for any reason not explicitly stated in statute.

3. Recall Home rule charter cities have some limited authority to provide for recall elections of the city's elected officials. The Minnesota Constitution and state court decisions have restricted the recall of elected city officials to cases of serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office. Recall does not exist in statutory cities.

E. Recall or removal from office

Local voters often ask if the city can hold a vote to remove a local official from office in a special election. As discussed previously, voters in statutory cities have only those powers delegated to them by the state legislature. Currently, voters in statutory cities have no authority to petition for, or vote on, removing an elected official from the city council. In some situations, councilmembers lose office by operation of law, for example if a person is convicted of a felony; but there is no authority to remove officers by a vote.

Charter cities may have limited authority in the charter to remove elected officials. Recall elections in charter cities are limited by the Minnesota Constitution. The charter may allow for a recall election to remove an elected official due to malfeasance or nonfeasance in the performance of his or her duties. To constitute malfeasance or nonfeasance the conduct must affect the person's performance of official duties rather than conduct that affects their personal character as a private individual.

All of this is a fact specific determination, so charter cities must consult the city attorney before seeking an election to recall or remove a city official from office.

VI. Petitions [*This is referendum and initiative*]

In statutory cities, petitions submitted by voters requesting an election on a legally authorized question must comply with state law and rules. State rules set by the Minnesota secretary of state govern the form, circulation, signing, filing and inspection of petitions. If a city charter specifically addresses petitions, the charter provisions may prevail over state law and rules.

3. Counting percentage of voters required for sufficient petitions

Even where the specific state statute lists a particular percentage of voter signatures, state law provides guidance for tabulating that percentage:

- If a statute requires that a specific number of people who voted in a previous election sign a petition, then the statute must be read to mean that any currently eligible voter may sign the petition-- and their signature counts when tabulating the percentage of voter signatures required.

- Thus, the statute must not be read to restrict eligibility to only those individuals who were eligible to cast ballots or who actually did cast ballots in the previous election.

4. Sufficiency of petition

The clerk must inspect the form of the petition to determine if it complies with all form and filing requirements. The clerk need only determine substantial compliance with regard to any type size on the form. The clerk must also inspect the petition to determine whether it has been signed by the required number of signatories and whether the signatories meet the applicable eligibility requirements. The rule does not address how the clerk verifies eligibility of the signatories, but case law states that eligibility to sign the petition may be restricted to registered voters in the Statewide Voter Registration System whose address in the SVRS is located within the city to which the petition is filed. Cities may rely on the SVRS to determine whether to reject signatures on a petition of those who are registered to vote but are at an address outside of the city in the SVRS.

Courts take notice of how difficult it is to prepare and to circulate petitions. Frequently citizens, not skilled in the technical aspects of the law, prepare such petitions. Courts typically exercise extreme caution in ruling petitions out on mere technicalities and view petitions as the result of democracy working at the grassroots level. Consider working with the city attorney on handling any petition irregularities.

VIII. Ballots

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There are certain election law provisions that may not apply to charter cities, so charter cities should work with their city attorney on formatting the ballots.

Section 5.14. - The Recall.

No less than 25 registered voters may form themselves in a committee for the purpose of bringing about the recall of any Council Member including the Mayor. If the committee seeks the recall of a district Council Member, the registered voters constituting the committee must be from the Council Member's district. The committee must certify to the City Clerk the name of the Council Member whose removal is sought, a statement of the grounds for removal in not more than 250 words, and the committee's intention to bring about his or her recall. A copy of this certificate must be attached to each signature paper and no signature paper may be put into circulation previous to such certification.

The grounds as set forth in the recall petition must be predicated on one (1) or more charges of malfeasance, nonfeasance or both. For this purpose the word "malfeasance" means the performance of an act by a Council Member in his or her official capacity that is wholly illegal and wrongful and the word "nonfeasance" means the neglect or refusal, without sufficient excuse, to do that which it is the Council Member's legal duty to do so.

Section 5.15. - Recall Petitions.

The petition for the recall of any Council Member must consist of a certificate identical to that filed with the City Clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one (1) signature paper, but the circulator of every signature paper must make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper must be in substantially the following form:

RECALL PETITION

Proposing the recall of _____ from the office as _____ which recall is sought for the reasons set forth in the attached certificate.

Sponsoring Committee

This movement is sponsored by the following committee of registered voters eligible to vote on candidates for that office.

| | Name | Address |
|--|-------|---------|
| 1. | _____ | _____ |
| 2. | _____ | _____ |
| 3. | _____ | _____ |
| [listing all members of the committee] | | |

Instructions to Petition Signers

You are being asked to sign a petition. You must be a resident of, and a registered voter in, the City of Richfield. Every person signing this petition must do so in the presence of the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition.

The undersigned registered voters, all being eligible to vote on candidates for that office, understanding the nature of the charges against the Council Member herein sought to be recalled, desire the holding of a recall election for that purpose.

| | Date | Legal Signature | Name (print legibly) | Address (print legibly) |
|----|-------|-----------------|-------------------------|----------------------------|
| 1. | _____ | _____ | _____ | _____ |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |

The affidavit of the circulator must be attached at the end of the list of signatures.

Section 5.16. - Filing of Petition.

Within 30 days after the filing of the original certificate, the committee must file the completed petition in the office of the City Clerk. The City Clerk must examine the petition within the next ten (10) working days and if the clerk finds it irregular in any way, or finds that the number of signers is less than 25 percent of the total number of registered voters eligible to vote on candidates for that office at the last preceding regular municipal election, the City Clerk must so notify one (1) or more members of the committee. The committee shall then be given ten (10) days in which to file additional signature papers and to correct the petition in all other respects, but the committee may not change the statement of the grounds upon which the recall is sought. If at the end of that time the City Clerk finds the petition still insufficient or irregular, the clerk must notify all the members of the committee to that effect and file the petition in the City Clerk's office. No further action shall be taken thereon.

Section 5.17. - Recall Election.

If the petition or amended petition is found sufficient, the City Clerk must transmit it to the Council without delay, and must also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. If the Council Member sought to be recalled does not resign within ten (10) days after having been given such notice, the Council shall, at its next meeting occurring more than ten (10) days after the receipt by the Council of the recall petition, by resolution, provide for the holding of a special recall election not more than 75 days after such meeting, but if any other election is to occur within three (3) months after such meeting, the Council may in its discretion provide for the holding of the recall election at that time. If the special recall election involves one (1) or more district Council Member(s), the recall

election must be conducted only within the district(s) of the affected Council Member(s). If it involves a Council Member who is elected at large, the election must be a City-wide election.

Section 5.18. - Procedure at Recall Election.

The City Clerk must include with the published notice of the election the statement of the grounds for recall and also, in not more than 500 words, the answer of the Council Member concerned in justification of his or her course in office. The election must be conducted as far as possible, in accordance with the usual procedure in municipal elections.

(Amended, Bill No. 2013-7)

Section 5.19. - Form of Recall Ballot.

The form of the ballot at such election shall be: "Shall _____ be recalled?" The name of the Council Member whose recall is sought and his or her office shall be inserted in the blank. The electors shall be permitted to vote separately "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office.

Section 5.20. - Procedure to Fill Vacancy.

In the event that a Council Member is recalled by the electors or resigns after a petition has been filed for his or her recall, the vacancy must be filled in the following manner:

If less than six (6) months remain in the Council Member's term of office at the time of the recall election or at the time of resignation in response to a recall petition, as the case may be, the vacancy must be filled by the remaining members of the City Council for the unexpired term pursuant to [Section 2.05](#).

If six (6) months or more remain in the Council Member's term at the time of such recall or resignation, the Council must call a special election to fill the vacancy for the balance of the Council Member's term. Such election must be called within ten (10) days after such recall or resignation, and the special election **must be held in accordance with state law** and not more than 60 days after the meeting at which the election is called. Candidates to fill the unexpired term must be nominated in the usual way and the election must be conducted as far as possible in accordance with procedures in municipal elections except that there shall be no primary election and the candidate receiving the highest number of votes for the office shall be elected to fill the unexpired term.

Section 5.21. - Term.

The term of the candidate selected by the voters at the regular or special election to fill the unexpired term shall start as soon as the declaration of the results has been filed with the City Clerk, and the person has qualified for office.

Section 5.22. - Offenses; penalty.

It is unlawful for a person to:

- a. Sign a name other than that person's own name to an initiative, referendum or recall petition;
- b. Circulate an initiative or referendum petition without required attachments;
- c. Circulate an initiative, referendum or recall petition when unqualified to do so;
- d. Sign an initiative, referendum, or recall petition when that person knows he or she is not qualified to do so;
- e. Make a false affidavit in connection with an initiative, referendum, or recall petition;
- f. Pay or offer to pay a person, or receive payment or agree to receive payment, for signing an initiative, referendum or recall petition;
- g. Pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signatures obtained, as long as the circulators fully disclose all contributions received to the city clerk upon submission of the petitions.

A violation of this section is a misdemeanor punishable in accordance with state law.

(Added 2013)

CHAPTER 5 INITIATIVE, REFERENDUM AND RECALL OF ELECTIVE OFFICERS

Sec. 5.01. Recall; Method Prescribed.

The holder of any elective office may be removed at any time by the electors registered to vote for a successor of such incumbent in the following manner:

- (1) Committee to institute action. Any five (5) registered voters who are constituents of the officer of the City whose recall is proposed may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the City. The committee shall certify to the City Clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred (200) words, and their intention to bring about such recall. **The certificate must state grounds for removal, which constitute malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction during the term of office of a serious crime.** A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.
- (2) Recall petitions. The petition for the recall of any official shall consist of a certificate identical with that filed with the City Clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one (1) signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Each signature shall be in substantially the following form:

RECALL PETITION

proposing the recall of _____ from office as _____ which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of registered voters.

| Name | Address |
|------|---------|
| 1. | |
| 2. | |
| 3. | |
| 4. | |
| 5. | |

The undersigned eligible voters understanding the nature of the grounds for removal of the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

| Name | Address |
|------|---------|
| 1. | |
| 2. | |
| 3. | |

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above.

The petition must be signed by registered voters equal in number to at least fifteen (15) percentum of the total number of registered voters in the constituency of the elected officer whose recall is petitioned in the City of Mankato.

- (3) Filing of petition. Within thirty (30) days after the filing of the original certificate, the committee shall file the completed petition in the office of the City Clerk. The City Clerk shall examine the same within the next twenty (20) days, and shall attach to said petition a certificate showing the result of said examination. If, by the City Clerk's certificate, the petition is shown to be insufficient, the City Clerk shall so notify one (1) or more members of the committee, and said petition may be amended within ten (10) days from the date of such notification. The City Clerk shall, within twenty (20) days after such amendment, make like examination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing the same; without prejudice, however, to the filing of a new petition to the same effect.

If the petition is deemed sufficient, the City Clerk shall submit the same to the Council without delay, and thereupon the Council shall order the same filed. If the officer sought to be removed does not resign within five (5) days after the filing of said petition, the Council shall fix a date for holding said election not less than thirty-five (35) nor more than forty-five (45) days from the date of the City Clerk's certificate that a sufficient petition is filed; provided that if any other municipal election is to occur within sixty (60) days from said date, the Council shall provide for the holding of the recall election at that time.

Sec. 5.02. Cause of Recall.

In the call for the election, there shall be given the statement of the grounds for the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred (200) words, the officer may justify his or her course in office.

Sec. 5.03. Recall Elections.

Subd. 1. Recall. The City Clerk shall give public notice of the time and place of holding such election, and the same shall be conducted, except as hereinafter provided, returns be made, and the result thereof declared, in all respects as in other City elections. Only registered voters in the constituency of the elected officer whose recall is petitioned shall be permitted to vote. The form of the ballot at such election shall be as near as may be as follows: "Shall A be recalled?", the name of the officer whose recall is being sought being inserted in the place of A, and the electors shall be permitted to vote separately "yes" or "no" upon this question. In case of a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, the officer shall be thereby removed from office.

Subd. 2. Election to Fill Recall Vacancy. In the event an officer has been recalled, the resulting vacancy shall be filled by special election. The special election shall occur and be conducted in the same manner as other special elections to fill vacancies on the Council except that a special election shall be held without regard to the amount of time remaining on the recalled official's term of office. The recalled officer shall not be a candidate at such special election and shall be ineligible under any circumstances to hold the office from which he/she was recalled until the next general election for such office.

Sec. 5.04. Recall; Time Limit.

No recall petition shall be filed against any officer until the officer has held office at least three (3) months.

Sec. 5.05. Direct Legislation.

Subd. 1. Initiation of Ordinances. Any five (5) registered voters may form themselves into a committee for the initiation of any ordinance creating or establishing a general rule for the conduct of City affairs or a penal ordinance prohibiting certain conduct inimical to the public welfare. No Ordinance shall be initiated

hereunder that would apply to specific administrative acts, the exercise of existing grants of authority and/or discretionary acts such as, without limitation by way of enumeration: settlement of lawsuits, entering of contracts, acceptance or rejection of bids, sales of bonds, appointment of city officials, levying of taxes, granting of licenses and permits, the adoption of budgets, approval or disapproval of plats, variances, conditional use permits, zoning or rezoning requests, laying out of streets or like, specific administrative or quasi judicial acts dealing with the exercise of authority in the specific instance. After formulating their ordinance they shall file a certified copy thereof with the City Clerk together with their names and addresses as members of such committee. They shall also attach a verified copy of the proposed ordinance to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Subd. 2. Form, Conditions, Verification, Certification and Filing of Petition. The petition for the adoption of any ordinance shall consist of the ordinance, together with all the signature papers and affidavits thereto attached. The provisions of Section 5.01 hereof respecting the forms and condition of the petition, the mode of verification, certification and filing shall be substantially followed, with such modification as the nature of the case requires.

Subd. 3. Fifteen Percent Petition. If the petition be signed by registered voters equal in number to fifteen (15) percentum of the entire number of registered voters in the City of Mankato, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election, then the Council shall either:

- (a) Pass said ordinance without alteration within twenty (20) days after attachment of the City clerk's certificate of sufficiency to the petition; or
- (b) Within twenty-five (25) days after such certification, proceed to call a special election to be held within sixty (60) days after certification, at which said ordinance without alteration shall be submitted to a vote of the people; unless a regular municipal election is to occur within sixty (60) days after such certification, in which case it shall be submitted at such election; or
- (c) In case the council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the City Clerk within ten (10) days from the passage thereof by the Council, then the ordinance need not be submitted to the electors.

Subd. 4. Publication of Popular Ordinance. Whenever any ordinance is to be submitted to the voters of the City at any election, the Council shall either cause the ordinance to be printed and mailed by the City Clerk with a sample ballot to each voter at least ten (10) days prior to the election, or order such ordinance to be printed in the official newspaper and published in like manner as ordinances adopted by the Council.

Subd. 5. Election. The ballots used in voting upon such proposed ordinance shall contain the words "For the ordinance" (stating the nature of the proposed ordinance) and "Against the ordinance" (stating the nature of the proposed ordinance). If a majority of the electors voting on said proposed ordinance vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the City.

Subd. 6. Several Ordinances at One Election. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section.

Subd. 7. Repeal of Popular Ordinance. The Council may submit a proposition for the repeal of any such ordinance, or for amendment thereto, to be voted upon at any general municipal election; and should such proposition receive a majority of the votes cast at such election, such ordinance shall be repealed or amended accordingly. Initiated ordinances adopted by the electors shall be published and may be amended or repealed by the Council as in the case of other ordinances.

Sec. 5.06. Referendum.

Subd. 1. No ordinance passed by the Council shall go into effect before thirty (30) days from the time of its publication, except when otherwise required by the general laws of the State, or by the provisions of this Charter respecting street improvements and except an ordinance for the immediate preservation of the public peace, health and safety, which contains a statement of its urgency, and is passed by a five-sevenths vote of the Council; provided that no grant of any franchise shall be construed to be urgent. Franchises shall be subject to the referendum vote herein provided. If during said thirty (30) days a petition signed by registered voters of the City equal in number to at least fifteen (15) percentum of the entire number of registered voters in the City protesting against the passage of such ordinance be presented to the Council, the same shall thereupon be suspended from going into operation provided the ordinance which is the subject of the petition would have properly been the subject of an initiative petition under Section 5.05 of this Charter. It shall be the duty of the Council to reconsider such ordinances, and if the same be not entirely repealed, the Council shall submit the ordinance as provided in Section 5.05 of this Charter, to a vote of the electors of the City, either at the next general municipal election or at a special election called for that purpose. Such ordinance shall not become operative unless a majority of the electors voting on the same shall vote in favor thereof. The provisions of Sections 5.01 and 5.05 respecting the formation of committees to institute action and initiate ordinances, and respecting forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

Subd. 2. Any ordinance that the electors of the City shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election in the same manner and with the same force and effect as is provided for ordinances submitted on petition under Section 5.05 of this Charter.

CHAPTER SIX. INITIATIVE, REFERENDUM, AND RECALL¹

Section 6.1. Powers Reserved by the People.

The people of Northfield reserve to themselves the powers of initiative, referendum and recall as defined below.

(Ord. No. 744, 6-18-2001)

Section 6.2. General Regulations.

Any petition of initiative, referendum, or recall must comply with state law, rules, regulations and document forms promulgated by the Office of the Secretary of State, and this Charter. Registered voter as used herein is defined as a city resident who is registered to vote in the City of Northfield.

(Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.3. Initiative.

Any ordinance, except an ordinance relating to land use planning, zoning and development, the appropriation of money, or the levy of taxes, may be proposed by a petition which shall state at the head of each page the purpose of the proposed ordinance and have attached thereto the exact text of the proposed ordinance, and be in compliance with this Charter. If the council passes the proposed ordinance or passes it with amendments and a majority of the sponsoring committee does not disapprove the amended form by a statement filed with the city clerk within ten (10) days of its passage by the council, the ordinance need not be submitted to the voters. If the council fails to enact the ordinance in an acceptable form within sixty (60) days after the final determination of the sufficiency of the petition, the ordinance or a summary thereof shall be placed on the ballot at the next election occurring in the city. If no election is to occur within one hundred twenty (120) days after the filing of the petition, the council shall call a special election on the ordinance to be held within such period. If a majority of those voting on the ordinance vote in its favor, it shall become effective thirty (30) days after the election day on which it is adopted unless the ordinance specifies a later effective date.

(Ord. No. 744, 6-18-2001; Ord. No. 780, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.4. Referendum.

With the exception of ordinances relating to land use planning, zoning and development, the appropriation of money, or the levy of taxes, if, prior to the date when an ordinance takes effect, a petition is filed with the city

¹Editor's note(s)—Ord. No. 744, adopted June 18, 2001, amended ch. six in its entirety, in effect repealing and reenacting said ch. six to read as herein set out. Former ch. six, §§ 6.1—6.12, pertained to similar subject matter and derived from Ord. No. 545, §§ 6.2, 6.9, adopted Jan. 2, 1990; and Ord. No. 739, adopted Nov. 6, 2000.

State law reference(s)—Recall authorized, Minn. Stat. § 410.20.

clerk that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation. The petition shall state at the head of each page the purpose of the ordinance, have attached thereto the exact text of the ordinance, and be in compliance with this Charter. The council shall thereupon reconsider the ordinance at its next regular meeting, and, by a no or aye vote, either repeal it or reaffirm its approval of the ordinance as originally passed. If it reaffirms, the council shall immediately order a special election to be held thereon, or submit the ordinance or a summary thereof at the next regular municipal election, pending which the ordinance shall remain suspended. If a majority of the electors voting thereon is opposed to the ordinance, it shall not become effective; but if a majority of the electors voting thereon favors the ordinance, it shall go into effect immediately or on the date therein specified.

(Ord. No. 744, 6-18-2001; Ord. No. 780, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.5. Petitions of Initiative and Referendum.

An initiative or referendum shall be initiated by a petition signed by a number of registered voters of the city that is not less than ten percent (10%) of the votes cast in the most recent regular municipal election. Each petition shall be sponsored by a committee of five (5) registered voters of the city whose names and addresses shall appear on the petition on file in the office of the city clerk. A petition may consist of one (1) or more papers, but each paper circulated separately shall contain at its head and attached to it the statements required by Section 6.3 or 6.4 as the case may be and be in compliance with this Charter. Any person whose name appears on a petition may withdraw his or her name by a statement in writing filed with the city clerk before the clerk reports on the sufficiency of the petition.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.6. Determination of Sufficiency.

When the city clerk receives the petition, the petitioner will be given a receipt indicating the number of pages and approximate number of signatures. The city clerk shall then examine the petition as to its sufficiency in form as prescribed by this Charter and as to the number of valid signatures. The city clerk shall report these findings to the council within fifteen (15) days of the receipt of the petition. Upon receiving the report, the council shall at its next regular meeting determine by resolution the sufficiency of the petition in all respects.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.7. Disposition of Insufficient Petition.

If the council determines that the petition is insufficient or irregular, the city clerk shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall have twenty (20) days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the council finds that the petition is still insufficient or irregular, the city clerk shall file the petition in the office of the city clerk and notify the sponsoring committee. The final finding that the petition is insufficient or irregular shall not prejudice the filing of a new petition for the same purpose nor shall it prevent the council from referring the ordinance to the voters at the next regular or special election at its option.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.8. Reenactment; Amendment.

An ordinance adopted following an initiative petition may not be repealed or amended in substance or intent by the council for a period of one year following its effective date. An ordinance repealed following a referendum petition may not be reenacted by the council for a period of one year following its repeal unless the reenacted ordinance is substantially different from the repealed ordinance.

(Ord. No. 744, 6-18-2001)

Section 6.9. Recall.

Any five (5) registered voters of the city may form themselves into a committee for the purpose of bringing about the recall for malfeasance or nonfeasance of any person holding elective office in the city. The committee shall file a certificate with the city clerk naming the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty (250) words, and their intention to bring about the officer's recall. A copy of this certificate shall be attached to each signature paper of the recall petition and no signature paper shall be put into circulation until the certificate has been filed with the city clerk.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007)

Section 6.10. Recall Petition.

The petition for the recall of any person holding elective office shall follow the petition requirements in Sections 6.2 and 6.9 of this Charter and shall be signed by a number of registered voters of the city that is not less than ten percent (10%) of the votes cast in the most recent regular municipal election.

(Ord. No. 744, 6-18-2001; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.11. Filing a Recall Petition.

Within thirty (30) days after filing the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the completed petition within the next fifteen (15) days; and, if the city clerk finds it does not meet any of the requirements of this Charter, the city clerk shall deliver a copy of the petition, together with a written statement of its defects, to the sponsoring committee. The committee shall then be given ten (10) days in which to file additional signatures and to correct the petition in all other respects, but it may not change the statement of the grounds upon which the recall is sought. If at the end of that time the city clerk finds the petition still does not meet all the requirements of this Charter, the city clerk shall notify all the members of the committee to that effect and shall file the petition in the office of the city clerk. No further action shall be taken thereon.

(Ord. No. 744, 6-18-2001; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.12. Recall Election.

If the city clerk finds that the petition or amended petition meets the requirements of this Charter, the city clerk shall transmit it to the council without delay, and shall also officially notify by registered mail the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting determine whether the petition is legally sufficient and, if it is, provide for the holding of a special recall election not less than seventy (70) nor more than eighty-five (85) days after such meeting; but, if any other election is to occur within one hundred (100) days after such meeting, the council may in its discretion provide for

the holding of the recall vote at that time. The city clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the officer concerned in justification of his/her course of office. If a majority of those voting on the recall is opposed, it shall not become effective. If a majority of those voting on the recall is in favor, it shall become effective immediately.

(Ord. No. 744, 6-18-2001; Ord. No. 781, 3-17-2003; Ord. No. 863, 7-9-2007; Ord. No. 934, 7-10-2012, effective 10-12-2012)

Section 6.13. Further Regulations.

The council may provide by ordinance such further regulations for the initiative, referendum, and recall, consistent with this Charter, as it deems necessary.

(Ord. No. 744, 6-18-2001)