



CHARTER COMMISSION
Library—Community Room, 3939 Central Ave NE
Thursday, April 20, 2023
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 Wolid Ahmed.**

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- 2. Approval of January 19, 2023 Meeting Minutes.**
Minutes completed by City Clerk Ion included as they were completed following the January 19, 2023 meeting.

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- 3. Brief Review of Charter Commission Rules.**
- 4. City Manager Recommended Mayoral Term and Police Oversight Amendments.**

ADJOURNMENT

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.

02-CV-18-3485

STATE OF MINNESOTA
COUNTY OF ANOKA

DISTRICT COURT
TENTH JUDICIAL DISTRICT

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

NOW, THEREFORE, IT IS HEREBY ORDERED:

That Wolid Ahmed is hereby appointed to the City of Columbia Heights Charter Commission for a term to expire on January 1, 2027.

Dated: March 14, 2023

BY THE COURT:



Digitally signed by Hiljus,
Stoney (Judge)
Date: 2023.03.14 15:44:28
-05'00'

Stoney Hiljus, Chief Judge
Tenth Judicial District

State of Minnesota
Anoka County

District Court
Tenth Judicial District

Court File Number: **02-CV-18-3485**

Case Type: Administrative File

Notice of Filing of Order

FILE COPY

**IN THE MATTER OF THE FRAMING OF A CITY CHARTER COMMISSION FOR
THE CITY OF COLUMBIA HEIGHTS, ANOKA CNTY,MN AKA HOME RULE CHTR**

You are notified that the following order was filed on March 14, 2023.

Order Appointing member to the City of Columbia Heights Charter
Commission (Wolid Ahmed).

Dated: March 15, 2023

Lori O'Brien, Court Administrator
Anoka County District Court
2100 3rd Avenue
Anoka MN 55303-2489
763-760-6700

cc: Sara Ion, City Clerk
James Hoeft, Esq.
Wolid Ahmed

A true and correct copy of this notice has been served upon the parties pursuant to the Minnesota
Rules of Civil Procedure, Rule 77.04.

MINUTES OF THE CITY OF COLUMBIA HEIGHTS CHARTER COMMISSION

January 19, 2023 @ 7pm

Public Safety Building

Commissioners in attendance:

- Larry Betzold
- Clifford Johnson
- Ben Harris
- Sue Wiseman
- Greg Sloat
- Steve Smith
- Carolyn Laine
- Kathy Ahlers
- Frost Simula
- Veronica Johnson

Commissioners absent:

- Matt Abel
- Mona Anderson
- Bill Hugo (excused)
- Nick Zeimet

Council Liaison:

- Rachel James

Attorney:

- (absent)

Clerk:

- Sara Ion

President Steve Smith called the meeting to order.

Roll Call / Status of Membership

Commissioner Sloat has been reappointed.

Commissioner Eubank has submitted his resignation.

Election of 2023 Officers

President - Commissioner Wiseman nominated Carolyn Laine. Second by Simula. Motion passed, unanimous.

Vice President - President Laine nominated Veronica Johnson. Second by Wiseman. Motion passed, unanimous.

Secretary - Commissioner Simula self nominated. Second by Ahlers. Motion passed, unanimous.

Approval of Agenda

President Laine asked for approval. Agenda approved.

Approval of Minutes

President Laine proposed to amend October 2022 minutes to replace the last sentence with a clarification.

Commissioner Simula suggested striking the last sentence entirely. Ahlers moved to approve minutes with the last sentence stricken. Seconded by Harris. Motion passed, unanimous.

Correspondence

Clerk Ion presented no correspondence at this time, but did produce an email from City Attorney Hoefft later in the meeting (SEE item A5 under New Business, below).

Old Business

(None)

A. Approval of City Attorney Review of Questions form Commissioner Laine in Relation to the Process for Recall Election.

1. City Attorney Hoefft was absent from this meeting.
2. President Laine stated that she is a member of a committee that is exploring the possibility of a recall election, and that she had questions about the recall process as it now stands in the charter. As a member of that committee, Laine felt it was appropriate to bring those questions to the City Attorney for the following reasons:
 - a. President Laine read from Charter Chapter 5 Section 36 which states:
"Any committee member, at their sole discretion and at no charge to said committee member, may utilize the services of the city attorney so as to assure that the proposed ordinance is consistent as to form and structure with other similar ordinances enacted by the city council."
 - b. President Laine also read from the July 2013 Charter Commission minutes (SEE attachment), where Commissioner Utz had asked the Charter Commission to add an agenda item to discuss and clarify the Referendum and Initiative process regarding the new library. At that time, City Attorney Hoefft clarified that the library project was not Charter Commission business and instructed Commissioner Utz to email him any questions regarding the charter, giving his preferred email address.
3. As a member of the Recall Committee, Laine said she had emailed City Attorney Hoefft her questions about the Recall process in the charter. Laine said that attorney did not answer her email and instead put the topic on the Charter Commission agenda, contrary to his statements in 2013.
4. Laine said whether the Commission decides to take up the issue for clarity in the charter is a different subject and unrelated to the specific answers she requested as a Recall Committee member about the interpretation of the charter as it now stands.
5. Clerk Ion then produced an email she received from City Attorney Hoefft dated January 18 to be shared with the Commissioners (SEE attachment). Copies of this email had not been included in the meeting packet nor shared with Commissioners at the beginning of the meeting. Briefly, Hoefft's email contained his opinion that the word "electors" used in the Recall section of the charter was synonymous with "registered voters".

Because the questions originated from outside the Charter Commission and Hoefft's answers are not the Charter Commission's business, no action was taken by the Charter Commission.

B. Clarifying the Section on Recall

President Laine suggested that the Charter Commission review the section on Recall (Chapter 5 Section 49) at a future meeting. Commissioner Harris noted that we have access to a law librarian through the public library that would be a valuable resource. Clerk Ion added that the city of Brooklyn Center has done a recall in the past. Commissioner Ahlers agreed to begin researching other city charters regarding their recall language.

C. Approval of the 2022 Charter Commission Annual Report

Commissioner Ahlers noted a minor punctuation error (missing comma) that should be amended. Smith moved to approve the annual report as amended. Second by Harris. Motion passed, unanimous.

Adjournment

Motion by Smith. Second by Simula. Motion passed.

Submitted by:
Frost Simula, Commission Secretary

**COLUMBIA HEIGHTS CHARTER COMMISSION
JULY 18, 2013
CONFERENCE ROOM 1, CITY HALL
MINUTES**

Call to Order

The meeting was called to order by President Smith at 7:08 p.m.

Roll Call

Members present: Ramona Anderson, Jeff Diehm, Roger Johnson, Carolyn Laine, Mike Patiuk, Gregory Sloat, Steve Smith, Charles Tyler, Tim Utz

Members absent and excused: Matt Abel, Lee Bak, Rob Fiorendino, James Guy, Wes Wiggins

Members absent and unexcused: None

See status of membership below.

Jim Hoeft, City Attorney, and Carole Blowers, Recording Secretary for the commission, were also present. Council Liaison, Tami Diehm, was excused from tonight's meeting.

Introduction of New Member

Ramona Anderson, new member of the Charter Commission, introduced herself and told members a brief history of her connection to our city, etc.

Approval of Tonight's Agenda

Motion by Commissioner Tyler, seconded by Commissioner Diehm to approve tonight's agenda. Motion passed unanimously.

Approval of Charter Commission Minutes of April 18, 2013

Motion by Commissioner Diehm, seconded by Commissioner Utz to approve the minutes of the April 18, 2013, Charter Commission meeting as presented. Motion passed unanimously.

Status of Membership

The Commission currently has one opening. Two applications have been sent to the Chief Judge for his consideration in the past few weeks. New membership lists were passed out to members at the meeting. Commissioner Diehm asked that a list be e-mailed to him as well.

Correspondence

The Recording Secretary reported on the correspondence since our last meeting in January.

- Typed minutes of the April 18, 2013, meeting
- Received orders from Chief Judge appointing Ramona Anderson and Weston Wiggins and advised President Smith of the same
- Prepared welcome letters and packets and oaths for Weston Wiggins and Ramona Anderson
- Contacted Weston Wiggins and Ramona Anderson about coming in to take their oaths; when completed sent them on to Anoka County
- Sent Chief Judge applications for membership from Clifford Shedlov and Catherine Vesley
- Prepared tonight's agenda and sent out with April minutes to all commission members, City Attorney, City Manager, and Tami Diehm
- Put tonight's agenda on the city's website and on local cable TV station, and posted it at City Hall
- Prepared new member list and made copies

- Forwarded e-mail received from Commissioner Utz to President Smith and City Attorney H regarding a library referendum
- Received e-mails from Commissioners Able, Bak, Fiorendino, Guy, and Wiggins regarding their absence at tonight's meeting
- Prepared correspondence log since April meeting

New Business

Library Referendum Question

Commissioner Utz had asked that this item be on tonight's agenda. City Attorney Jim Hoeft advised that the City Charter puts forth the procedure and process for Referendum and Initiative (Chapter 5, Sections 44-46 and Chapter 7, Section 72), but the Charter Commission would not be discussing or asking that this issue be placed on a referendum. That is not the Charter Commission's charge. Individuals who serve on this commission can be part of the prescribed procedure/process as set forth in the City Charter, but cannot identify themselves in this procedure/process as a Charter Commission member. The City Attorney advised that people should be careful about using titles of any group they belong to when involved in such a procedure/process.

The City Attorney mentioned that the last time this procedure/process was used was when Bobby & Steve's development on 37th and Central was in process several years ago.

Commissioner Utz stated that he asked that this item be placed on tonight's agenda for discussion and further clarification on the Referendum and Initiative procedure/process. The City Attorney stated that if any commissioner has questions on the charter, they should e-mail him. He clarified what e-mail address would be his preferred e-mail address.

Adjournment

Motion by Commissioner Laine, seconded by Commissioner Tyler to adjourn at 7:22 pm.

The next meeting is October 17, 2013, at 7 p.m. at City Hall, Conference Room 1.

Respectfully submitted,

Carole J. Blowers
Recording Secretary for the Charter Commission

Sara Ion

From: James D. Hoeft <jhoeft@bgs.com>
Sent: Wednesday, January 18, 2023 12:36 PM
To: Sara Ion
Subject: Recall Questions

This message originated from outside the City of Columbia Heights email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments. If necessary, contact sender by phone. WHEN IN DOUBT, THROW IT OUT!

Sara,

Please share this email with the commissioners, as I will be on vacation on the 19th.

RECALL

I think it's important to note at the outset that the process of Recall is a rarely available/used process. It is only available to charter cities that have retained the process in the charter. It is not a process available to statutory cities.

The Columbia Heights Charter does authorize the Recall process. A question has been asked about who can initiate the petition, and who can sign. The Charter identifies both those groups as "Electors". Unfortunately the Charter does not define that term. So who are Electors?

One opinion is that the Electors are those individuals who actually took part (voted) in the election in question. Since those individuals who voted are responsible for the election outcome, then they ought to be the ones asking for and signing a petition for Recall. This position may be bolstered by the fact that previous Charter amendments changing the term Elector to Registered Voter did not apply to the Recall process. However, my opinion is that, while defensible, such an interpretation is too strict.

So where do we go from there? When looking to define a term, where better place than the dictionary. Accordingly, the term Elector is generally defined as "a person who has the right to vote in an election." In order to vote in an election an individual must first satisfy the legal requirements (i.e. 18 years old, US citizen, etc.). If satisfied, then must register. If registered, then the individual has the right to vote in an election.

My opinion is that the term Elector in the Recall provision of the Charter is synonymous with Registered Voter. Anyone initiating a Recall petition must be a registered voter. Anyone signing a Recall petition must be a registered voter.

Sent from my iPhone

James Hoeft | Attorney at Law
200 Coon Rapids Boulevard, Suite 400
Minneapolis, Minnesota 55433-5894
Main: 763-780-8500 | Direct: 763-783-5122
Fax: 763-780-1777

<http://www.bgs.com>

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Barna, Guzy & Steffen, Ltd



CHARTER COMMISSION
Public Safety Building—Training Room, 825 41st Ave NE
Thursday, January 19, 2023
7:00 PM

MINUTES

CALL TO ORDER

Charter Commission President Steve Smith called the meeting to order at 7:00pm.

ROLL CALL

Members present: Kathy Ahlers, Larry Betzold, Ben Harris, Cliff Johnson, Veronica Johnson, Carolyn Laine, Frost Simula, Gregory Sloat, Steve Smith, Susan Wiseman.

Members Absent: Matt Abel, Ramona Anderson, Bill Hugo, Nick Zeimet

Also Present: City Clerk Sara Ion, Council Liaison Rachel James, Citizen Jennifer Pyper-Muno, Citizen KT Jacobs

STATUS OF MEMBERSHIP

1. Reappointment of Commissioner Sloat.

City Clerk Ion noted that Commissioner Sloat has been reappointed and all paperwork was completed and filed with the Court.

2. Resignation of Commissioner Eubank.

City Clerk Ion noted that Commissioner Eubank did not wish to be reappointed at the conclusion of his four-year term. His position will be posted, and all applications recieved will be sent to the Judge for review and appointment.

3. Election of 2023 Officers.

Motion by Commissioner Wiseman to nominate Commissioner Laine, seconded by Simula. Motion passed; Commissioner Laine is the President of the Charter Commission for 2023. President Laine took over the meeting from Commissioner Smith.

Motion by President Laine to nominate Commissioner V. Johnson, seconded by Wiseman. Motion passed; Commissioner Veronica Johnson is the Vice President for 2023.

Motion by Secretary Simula to continue as Secretary, seconded by Ahlers. Motion passed; Secretary Simula continues in the position for 2023.

APPROVAL OF AGENDA

President Laine introduced the agenda and asked if City Attorney Hoeft was in attendance.

City Clerk Ion noted that he was not in attendance and that he sent information on Item 5 for the Charter Commission's review.

President Laine again asked if there were any changes to the agenda. She asked for a vote on the agenda as presented. All commissioners voted aye to move forward with the agenda as presented.

APPROVAL OF MINUTES

4. Approval of October 20, 2022, Meeting Minutes.

President Laine asked if there were any corrections to the minutes as presented. No Commissioners had any corrections.

President Laine stated that she had corrections to the October 20, 2022, minutes, regarding something that was stated by Commissioner Smith in the last sentence of Page 1. She disagrees with the last sentence and did not want the minutes going into the record with a statement of information that was misconstrued by the Council. She read what she wanted to be inserted into the minutes.

The Commission clarified that they wanted the last sentence struck instead of information inserted. Motion by Ahlers and seconded by Harris to accept the minutes as corrected, motion carried.

CORRESPONDENCE

City Clerk Ion stated that there was no correspondence at this time.

OLD BUSINESS

President Laine stated that there was no old business.

NEW BUSINESS

5. Approval of City Attorney Review of Questions from Commissioner Laine in Relation to the Process for Recall Election.

Commissioner Laine stated that she reviewed meeting minutes from the July 18, 2013 Charter meeting related to a referendum request from Tim Utz. Commissioner Utz asked for the questions related to the referendum to be placed on the agenda, but the City Attorney asked for the question to be emailed directed to him via email.

Commissioner Laine stated that she had emailed City Attorney Jim Hoeft regarding questions related to who can sign a petition for a recall. She clarified that in the City Charter at Page 10 related to initiative, referendum, and recall. "Any committee member, at their sole discretion and at no charge to said committee member, may utilize the services of the city attorney so as to assure that the proposed ordinance is consistent with as to form and structure with other similar ordinance enacted by the city council." On the basis of this she wrote to the City Attorney as to who can sign the recall petition, as it seems to her the signors of a recall do not need to be registered voters.

City Clerk Ion presented information from Attorney Hoeft to the Charter Commission to President Laine to read to the Commission related to this topic.

Commissioner Laine further clarified that the question that was posed to the City Attorney was not related to a proposed ordinance. That is why this item was clarified as an item for review to the Charter Commission.

President Laine stated her issue was how do you get answers to concerns on questions related to the Charter. Do we as a Charter Commission want to get this paragraph / sentence extended to be able to go to the City Attorney to clarify the initiative, referendum, and recall paragraphs so that residents can ask for legal advice at their sole discretion and without cost to themselves related to the interpretation of the Charter.

In the meantime, the question remains, how does one seeking to do a recall election get the information on the legalities on how to do it correctly according to the Charter. The Charter should tell the citizens how to do it.

President Laine stated that she felt that the obvious answer was that the Charter does not state "registered voters" so it does not mean registered voters. She feels that the recall committee will have to assume that the reading of the Charter is clear, and it does not need to be registered voters. She stated that this "has never been done, and never been tested". This is a concern of the Commission and she wanted to clarify if the signer needs to be 18 and a citizen.

Commissioner Ahlers asked what Statutory Cities do.

President Laine stated that a Recall is not an option in Statutory Cities.

Commissioner Ahlers stated that they would need to complete research on other Charter Cities recall provisions.

Commissioner Harris stated that there is already a provision for this, and a high bar is set in the Charter for a reason. This is not provided for in Statutory Cities. He stated that the body does not have enough information to make a change currently.

President Laine stated that the Commission should place this on the agenda to clarify who the signors of the recall petition would be, to complete research and have hearings in the future.

Commissioner Ahlers asked if the role of the Commission is to look for items to update in the Charter.

President Laine clarified that the Commission could make updates and changes to the Charter by recommendation of Citizens, Council, or by review of items that have been taken over by State Statute.

Commissioner C. Johnson asked what the standards were at a State level for signiors for a recall. He also clarified that his interpretation of the Charter was 25% of the individuals that voted in the last election.

President Laine clarified that she believed it to be just the number of signatures not the actual people who voted.

Commissioner Harris clarified that the intent of the Charter Commissions predecessors is not that there would be 6- 8- and 10-year-olds signing the petition.

President Laine stated that this should be clarified in the Charter.

Commissioner Ahler would like to research other Charter Cities and how they handle this issue.

Commissioner Smith asked what information was provided from the City Attorney to President Laine. The information is included at the conclusion of the minutes.

Clerk Ion gave information to the Commission about other Cities that have recently completed recall elections.

Commissioner Smith stated that an easy way to get information is to reach out to the Charter City Clerk to get the name and contact information of the President of the Charter Commission President.

Commissioner Harris stated that there are a lot of great resources at the local library related to legal research options.

6. Approval of the 2022 Charter Commission Annual Report.

President Laine presented the Annual Report. Commissioner Ahler stated that she would like a comma after the last sentence. Commissioner Smith made the motion to approve the annual report as corrected, Commissioner Harris seconded. The motion was approved.

ADJOURNMENT

Commissioner Smith made a motion to adjourn, seconded by Commissioner Simula. Motion passed. The meeting was adjourned at 7:28pm.

Respectfully Submitted

Sara Ion, City Clerk

Sara Ion

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My opinion is that the term Elector in the Recall provision of the Charter is synonymous with Registered Voter. Anyone initiating a Recall petition must be a registered voter. Anyone signing a Recall petition must be a registered voter.

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RULES

COLUMBIA HEIGHTS CHARTER COMMISSION

1. The **officers** of the commission shall be a president, vice-president, and a secretary, who shall be elected by a majority of the entire commission.
 - a. Election of officers shall be held at the commission meeting each January.
 - b. An election may also be called, with seven (7) days written notice, by petition of any five (5) members of the commission.
 - c. Upon a vacancy in any office, that office shall be filled by election at the next meeting of the commission.
 - d. For all duties herein listed, the vice-president shall serve as the president in the president's absence.

2. In all deliberations of the commission, any of its permanent or special committees or when it functions as a committee of the whole, except as specified herein, **Robert's Rules of Order, Revised**, shall apply.

3. The full commission shall act as a committee of the whole. **Special committees** may be appointed from time to time when deemed necessary by the commission.
 - a. Committee assignments shall be made by the president, with majority approval of the entire commission.
 - b. Each committee shall have a chair, who shall be appointed by the president, with majority approval of the entire commission.
 - c. Each committee shall consist of not less than three (3) members.
 - d. Commission members may serve on more than one committee but cannot chair more than one committee at any given time.
 - e. All reports from a committee shall be in writing. Copies of committee reports shall be mailed to each member of the commission not less than seven (7) days prior to the next commission meeting at which the committee report is to be considered.

4. The commission shall meet at least every quarter. Special **meetings** shall be limited to specific matters and held at the call of the president or by the secretary upon receipt of a petition of any three (3) members of the commission. The meetings must be preceded by a written notice at least seven (7) days prior to the meeting.

5. The **agenda** of the commission meeting, except for special meetings, shall be as follows:
 - a. Commission administrative matters, i.e., minute's approval, appointments of committees, and committee chairs, etc.
 - b. Introduction of proposed amendments.
 - c. Reports from committees, including proposed amendments for their first reading.
 - d. Proposed amendments before the commission for their second reading.

6. **Proposed amendments** may be presented to the commission by any member of the commission. The proposed amendment shall be **in written form with copies available** for each member of the commission. A majority vote of the commission members present shall decide what action is to be taken on the proposed amendment.

7. Committees, including the committee of the whole, **reviewing a proposed amendment** are charged with the duties of investigating, clarifying, and drafting the proposed amendment in proper form for inclusion in the charter. Specially appointed committees are also to consider its merit and can either report it back to the commission positively or negatively or with no recommendation.

8. If the **committee refers a proposed amendment** to the commission negatively, the commission can by majority vote of the members present:
 - a. Send it back to the same committee for further consideration,
 - b. Take no action, which would, in effect, defeat the proposed amendment, or
 - c. Consider it as the committee of the whole.

9. If the **committee** does not report a proposed amendment to the entire commission **within ninety (90) days**, the commission can, by majority vote of the members present:
 - a. Consider it as the committee of the whole, or
 - b. Take no actions, thereby leaving it in the same committee.

10. The commission, acting as the committee of the whole, has the same responsibilities as any other committee. A proposed amendment can be considered by the committee of the whole on the same day it is introduced. Favorable **consideration by majority vote of the commission of a proposed amendment shall constitute the first reading** of the amendment.

11. When a specially appointed committee refers a proposed amendment to the commission positively, it is given its first reading and can be debated.

12. A proposed amendment cannot be given its **second reading for at least ten (10) days after its first reading**. The proposed amendment shall be deemed approved with direction for a public referendum or recommended to the City Council for amendment by a unanimous vote of the Council, by a vote constituting a majority of the entire commission following its second reading.

13. If the City Council decides not to amend the charter under the provisions of Section 12, the commission can reconsider the proposed amendment, and by a majority vote of the entire commission, the proposed amendment can be passed with directions for a **public referendum**.

14. In order to transact business of either the commission or any of its committees, a **quorum** must be present which will consist of **a simple majority** of the members.

15. All meetings of the commission and any of its committees shall be **open to the public**.

16. The commission, acting as the committee of the whole, can conduct **public hearings** on proposed amendments.

17. The above **rules can be only suspended or amended by a two-thirds vote** of the members present.

18. Rulings on motions: The president, or acting president, may rule on all motions and controversies raised by members. Such **rulings by the president** are final unless the ruling is challenged by a member. If any ruling is challenged, the presiding officer will immediately take vote of the members. A 'yea' vote sustains the ruling by the presiding officer and a 'nay' vote overrules the ruling of the presiding officer. The outcome will be determined by a simple majority of the voting members.

19. Quorum: Members who wish, **may have their vote(s) recorded** at the time of the vote as part of the minutes of the meeting as taken by the secretary.

(Revised 5/10/2012)

City of Columbia Heights | Administration590 40th Ave NE, Columbia Heights, MN 55421 ▪ Ph: 763-706-3610 ▪ Fax: 763-706-3601 ▪ www.columbiaheightsmn.gov**MEMORANDUM**

To: Charter Commission
From: Kelli Bourgeois, City Manager
Date: April 12, 2023

RE: Recommended Charter Amendments

As you may know, I am leaving my position as city manager for Columbia Heights effective tomorrow. Before I leave, I wanted to share a couple Charter amendment suggestions I ask that you consider. I understand both of these items have been considered in the past but given the changes we have seen in the size and complexity of municipal operations I feel they both warrant consideration and action at this time. I discussed both these items with the Mayor and Council at their April Work Session so they are aware I of my recommendations as well.

MAYOR OVERSIGHT OF THE POLICE DEPARTMENT

The first item is amending Sections 10 and 53, removing the Mayor from overseeing the Police Department and making that a duty of the City Manager. I have the utmost respect for our current Mayor and the past Mayors I have worked for in Columbia Heights and this is not meant to be a slight to Mayor Márquez Simula or our previous Mayors. I believe with the complexities involved in policing in today's world as well as the fact that most of the duties outlined as the Mayor's role in Charter are delegated by Statute or Rule to the Chief Law Enforcement Officer (the Police Chief), and finally that any decision that impacts the budget must be made by the full City Council, the Mayor is ineffectual as the overseer of the Police Department.

In addition, given these restrictions on the Mayor's ability to act as the Charter states, I believe it puts the Mayor in a potentially contentious and unfair position with the public because the expectation is that the Mayor has carte blanche to do the will of the public whereas, the Mayor's hands may be tied due to the Statutory and budget constraints identified.

I recommend the Charter draft an Ordinance to be adopted by the City Council amending Sections 10 and 53 of the Charter to read:

Section 10. THE MAYOR. The mayor shall be the presiding officer of the council, and shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city, and the laws of the state. A president pro tempore shall be chosen who shall serve as president in the mayor's absence, and who shall, in the mayor's absence, exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city and the laws of the state. In the absence of both the mayor and the president pro tempore, the council member with the most seniority (as determined by consecutive uninterrupted years of service to date) shall exercise and perform said powers and duties. The mayor shall have the appointment, control, and direction of al

~~police officers of the city, and shall~~ be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall order a special election to fill the vacancy for the unexpired term except in the case of a recall, the vacancy shall be filled in the manner provided by this charter. **(Ordinance No. 1389, passed April 26, 1999)**
(Ordinance No. 1086, passed June 11, 1984)

Section 53. POWERS AND DUTIES OF THE CITY MANAGER. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs, ~~except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor.~~ The city manager's duties shall be:

- (a) To see that this charter and the laws, ordinances and resolutions of the city are enforced;
- (b) To appoint and, except as herein provided, remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone;
- (c) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council except as herein provided;
- (d) To attend all meetings of the council, with the right to take part in the discussions but having no vote; but the council may at its discretion exclude the city manager from meetings at which the city manager's removal is considered;
- (e) To recommend to the council for adoption such measures as the city manager may deem necessary for the welfare of the people and the efficient administration of the city's affairs;
- (f) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;
- (g) To prepare and to submit to the council for adoption an administrative code incorporating the details of administrative procedures, and from time to time to suggest amendments to the same; and
- (h) To perform such other duties as may be prescribed by this charter or required of the city manager by ordinances or resolutions adopted by the council. **(Ordinance No. 1086, passed June 11, 1984)**

MAYOR TERM OF OFFICE

The second item I'd like to ask you to consider is amending the Charter to change the mayoral term from two years to four years. Currently, the four councilmember terms are staggered 4 year terms with two seats open each election, and the mayor term is a 2 year term that is open at each election. It would make sense to change the mayor term to a four year term to 1) make it consistent with the other councilmember terms, and 2) to make the position more effective and reduce staff time needed to onboard a new mayor. Again, this is not meant to disparage our current or former mayors at all.

Columbia Heights operates as a weak mayor form of government whereby the Mayor has no more power than any other Councilmember when it comes to votes and actions of the city council. However, the Mayor does have administrative, ceremonial, and procedural duties the other Councilmembers don't have. I would estimate generally it takes a new Mayor a full year to learn their roles and functions and to hit a rhythm with staff. Currently, with a two year term that only leaves one year of the term for the Mayor and staff to work highly efficiently and effectively together. Then add in having to campaign for another election less than one year later it is a lot to ask of a part time elected official.

Staff feels changing the mayoral term to a four year term would be beneficial to staff, the community and to the person serving as Mayor. It provides continuity, efficiency, and stability that can be lost when Mayors change over every two years. With that, I recommend the Charter draft an Ordinance to be adopted by the City Council amending Section 7 of the Charter to read as follows:

Section 7. ELECTIVE OFFICES. The council shall be composed of a mayor and four council members who shall be qualified electors, and who shall be elected at large in the manner hereinafter provided. The four council members shall serve for a term of four years and until their successors are elected and qualified. The Mayor shall serve for a term of ~~two~~ four years and until a successor is elected and qualified. The council shall be judge of the election of the mayor and council members. **(Ordinance No. 1466, passed December 15, 2003) (Ordinance No. 1300, passed April 10, 1995)**

A note on the adoption and implementation of these charter amendments should they move forward. The mayoral oversight of the police department can be adopted by the Council via the standard Ordinance process and this would be effective following publication in the newspaper:

- Initial charter action to make the amendment;
- A second motion by Charter Commission to amend the charter;
- City Council first reading of an Ordinance amending the Charter;
- If the first reading is approved by a 5/0 vote, then a second reading of the Ordinance;
- If the second reading is approved by a 5/0 vote, then the ordinance is published in the newspaper and effective 30 days after publication.

Per State Statute, changing the mayoral term from two to four years requires a different implementation timeline. The general Ordinance review process is the same as above however the ordinance doesn't become effective until the next election which would be held in 2024 for the mayoral term beginning in 2025. Therefore, the current Mayoral term would remain two years and expire the end of 2024.

Thank you for taking the time to consider my recommendations. Although I won't be on staff in Columbia Heights when the Charter Commission discusses these recommendations, I would be happy to discuss my thoughts with you at any time. Otherwise, I wish you the best and appreciate the time and effort you all put into making Columbia Heights the wonderful city it is!