



CHARTER COMMISSION

Public Safety Building—Training Room, 825 41st Ave NE

Thursday, April 21, 2022

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.** Reappointment of Commissioner Ahlers and Hugo.
- 2.** Appointment of Commissioner Larry Betzold to Fill Position left vacant by Commissioner Kaiser.
- 3.** Election of 2022 Officers.
Election of President, Vice President and Secretary.

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- 4.** Approval of October 21, 2021 Meeting Minutes.

CORRESPONDENCE

OLD BUSINESS

- 5.** City Council Vacancies (Chapter 2 Section 9).

NEW BUSINESS

- 6.** Approval the 2021 Charter Commission Annual Report.

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.

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 Kathy Ahlers is hereby appointed to the City of Columbia Heights Charter Commission for a term to expire on February 1, 2026.

BY THE COURT:



Hiljus, Stoney (Judge)
2022.01.04 11:25:29
-06'00'

Dated: _____

Stoney Hiljus, Chief Judge
Tenth Judicial District

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 Bill Hugo is hereby appointed to the City of Columbia Heights Charter Commission for a term to expire on February 1, 2026.

BY THE COURT:



Hiljus, Stoney (Judge)
2022.01.04 11:25:50
-06'00'

Dated: _____

Stoney Hiljus, Chief Judge
Tenth Judicial District

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 Lawrence Betzold is hereby appointed to the City of Columbia Heights Charter Commission for a term to expire on March 31, 2024.

BY THE COURT:



Digitally signed by Hiljus,
Stoney (Judge)
Date: 2022.04.04 15:58:57
-05'00'

Dated: April 4, 2022

Stoney Hiljus, Chief Judge
Tenth Judicial District



CHARTER COMMISSION
Public Safety Bldg—Training Room, 825 41st Ave NE
Thursday, October 21, 2021
7:00 PM

MINUTES

CALL TO ORDER

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

ROLL CALL

Members present: Steve Smith, Matt Abel, Kathy Ahlers, Ramona Anderson, Ben Harris Bill Hugo, Cliff Johnson, Tom Kaiser, Carolyn Laine, Joe Schluender, Frost Simula, Gregory K. Sloat, Susan Wiseman, Nick Zeimet.

Members absent: Tyler Eubank

Also in attendance: City Manager Kelli Bourgeois, City Attorney Jim Hoeft, City Clerk/Recording Secretary Sara Ion, Councilmember Nick Novitsky, Council Liaison Kt Jacobs.

STATUS OF MEMBERSHIP

City Clerk Ion shared that this will be the last meeting Commissioner Tom Kaiser will attend as he is resigning from his position.

APPROVAL OF AGENDA

Motion by Commissioner Abel, seconded by Commissioner Ahlers to approve the agenda. Motion passed unanimously.

APPROVAL OF MINUTES

Motion by Commissioner Schluender, seconded by Commissioner Simula , to approve the July 15, 2021 meeting minutes. Motion passed unanimously.

OLD BUSINESS

City Council Vacancies (Chapter 2 Section 9).

President Smith stated that he would like to begin discussion of special elections. He stated that there was a lot of discussion around this matter at the last meeting. He has done additional research and based on discussions with Anoka County Elections it was estimated the cost of a special election would be approximately \$10,000. He then followed up with the City of Ramsey. They are actually trying to change their charter back to what we currently have. The cost of their past special election was \$30,000.

Commissioner Laine stated that the information that would really be valid would be what a special election would cost here in Columbia Heights and that is not known.

President Smith asked the group to consider a vote on moving forward with the special election matter. If this is an item that the group wants to move forward with, then the group needs to decide to move forward with the specific special election issue.

Commissioner Anderson stated that she believes that there are really two issues to discuss: if there should be a special election as well as if the time the Council has to appoint a new member should be shortened. She personally does not want a special election, but she would like the time period for the Council to appoint a person to fill a vacancy to be shortened from what it is now.

Commissioner Laine confirmed that the vote to move the special election forward should occur now, and then the discussion would continue on the proper direction for the special election moving forward. She stated that she would like to know the cost of the special election in Columbia Heights, and set the circumstances for a rare special election. She is concerned specifically how a vacancy is filled when a Councilmember moves into the position of Mayor, and how a special election would be conducted. She feels that the Council appointing a member in this rare circumstance is the issue they want to address. She felt that the issue of the Mayor being able to fill an open seat was an issue, when there is a tied Council vote of 2 to 2.

President Smith stated that when there is a special election, the City is now under state statute. Once we choose a special election, everything goes to the uniform election code. He and Commissioner Johnson also clarified that the Mayor does not have the tie breaking vote, it just so happened that the Mayor's vote was the tie breaker for a three to one vote the last time there was a vacant seat. Commissioner Johnson stated that the Mayor does not have two votes.

Commissioner Ahlers sought additional clarification about the last appointment as she felt it was illegal. Attorney Hoeft clarified that there was nothing illegal that occurred and that the last Council vacancy was filled based on a three to one vote. Attorney Hoeffft clarified that if a City is governed by the State Statute (not Charter) then the Mayor does have the ability to make a tie breaking vote.

Commissioner Harris stated that the tie breaking vote is a bigger issue, and should be addressed outside of the issue of the special election. This is a separate issue, and should not be tied to a special election.

Commissioner Simula believes that all of these items are part of the same issue and should be addressed at the same time.

Commissioner Sloat made a motion to vote on the special elections.

Commissioner Laine interjected that she would also like to make a motion.

President Smith stated that Commissioner Sloat was making the motion, and clarified that the motion at hand was that when there is an empty seat that needs to be filled there would then be a special election

Commissioner Anderson seconded the motion.

Commissioner Johnson asked for clarification on the motion.

Attorney Hoeft clarified what the motion needed to entail.

Commissioner Sloat clarified his motion, that this is a motion is to keep the charter the way it is, status quo with no special election.

Commissioner Anderson seconded the motion.

Commissioner Harris asked for additional clarification. He stated that if the commission voted in the affirmative, that would mean things would stay the way they currently are.

Commissioner Schluender was concerned that this was a double action motion. He wanted to make sure that it was a motion to keep everything the same.

President Smith then clarified that the motion should be “should we change to a special election from what we have now”. He asked if Commissioner Sloat would consider changing the motion.

Commissioner Sloat stated that he is against a special election and would like the motion to reflect that.

Attorney Hoeft stated that the easiest and clearest motion is to change the process from filling a council vacancy to having a special election. Making sure that the motion does not indicate anything about the current process.

Commissioner Ahlers stated that she does not understand the existing special election language in the Charter. She stated that her objection is this does not include the nuances of the issues she hopes to address.

Commissioner Johnson and Attorney Hoeft informed Commissioner Ahlers that there is no special election language in the Charter related to council appointment.

Commissioner Zeimet asked if it would be more helpful to move forward Commissioner Simula’s proposal.

Commissioner Smith stated that he wants to make sure we are clear on if we do or do not want a special election. The question is: Do we want to keep things the way they are and not have a special election?

President Smith and Commissioner Johnson clarified that the motion would be to keep things as they are, and that the motion is to add a special election to the charter. President Smith asked that the motion be clarified.

Commissioner Wiseman wanted to make sure the motion is not “either or”. Commissioner Hugo made a request to retract the motion by Commissioner Sloat, and new motion to be made.

Commissioner Ahlers asked for clarification on the vote on the special election, and if there would then be a discussion on the details. She wants her contribution to be that there is an incredible amount of nuance to the issue. She wants to discuss all the specifics of a special election before voting for the special election.

President Smith confirmed that there would be additional discussion about the special election after the vote to move forward with the special election

Commissioner Laine requested that the document that Commissioner Frost prepared be voted on. She feels that the issue is very nuanced and wants to vote on when and why a special election would occur.

President Smith stated the question at hand is are we in favor of a special election: A vote of yes is in favor of a special election. A vote no is against adding a special election.

President Smith called a roll call vote on Sloat's Motion. Commissioner Abel, Anderson, Harris, Johnson, Sloat and Smith voted no. Commissioner Ahlers, Kaiser, Laine, Schluender, Simula, Wiseman and Zeimet voted yes. **The vote was 8 / 6 in favor of continuing the discussion of a special election.**

President Smith stated that we need to have additional discussions. When the proposed language for the special election is finalized there will be a first and second hearing of the language to move forward with the special election.

Commissioner Laine stated that the vote tonight was on the discussion to move forward with a special election.

Attorney Hoeft stated that this body needs to propose language and move forward with language specific to changing the charter.

Commissioner Wiseman clarified that someone on the commission needs to bring forward the language for the special election.

Commissioner Zeimet asked for further information on the language that Commissioner Simula previously proposed.

Commissioner Simula stated that that he included language about vacancies over 180 days. There is already language in the state statute about the way the election should be run.

President Smith further clarified the uniform election statute. He listed the specific dates that these elections can occur.

Commissioner Harris clarified that when we are moving towards a special election we no longer have the ability to shorten the time for the appointment.

Commissioner Laine stated that she would like the next meeting to be the first hearing of the language to add a special election.

Attorney Hoeft stated that if someone is going to propose special election language, then it needs to be provided to the City Clerk as soon as possible. This language needs attorney review, to make sure it is in compliance.

Commissioner Smith stated that if you are in favor of the special election it must be written and sent to the City Clerk as soon as possible. There could be multiple proposals that need to be worked through. This information must be drafted in a way that it is an actionable item.

Commissioner Wiseman clarified that she wants to make sure that people who voted yes for the special election need to bring this language forward. She wants to make sure that only the portions that the City can control be addressed in the special election process. She also felt it was rare that this situation would occur.

Commissioner Simula stated that he feels that he has presented the correct information and addressing when a special election is triggered.

Commissioner Anderson inquired if where the funds are coming from should be addressed in the special election language.

Commissioner Hugo stated that the costs are not relevant to the charter commission drafting the language.

NEW BUSINESS

Commissioner Simula stated that he would like to review his proposed changes to the vacancy process. He stated that there is always someone appointed to the vacant seat, he wants to clarify that the vacancy is filled by appointment for 180 days. He feels that the special election limits the amount of time.

Commissioner Wiseman felt that there is already an established time frame.

President Smith asked again that the language is prepared in a timely fashion for the body to review it in detail. He again asked for information for the agenda to be submitted 30 days before the next meeting. He stated that Commissioner Simula only sent his prepared information for the appointment one day before this meeting and the Commission needs submissions at least 30 days in advance. He felt it was appropriate for Commissioner Simula to review what he has written, and submit information to the City Clerk prior to the next meeting for the Commission to review in detail.

Commissioner Simula asked for permission to discuss the appointment process, but not take a vote on the issue. He stated that he felt the process of appointment was too long and other cities appoint the seat within 45 – 90 days. His recommendation is 45 days from the day that the vacancy is declared by Council resolution. He recommended language about how to break a tie. He recommends that if council fails to make the appointment in 3 rounds of voting then the Mayor makes the appointment. He stated that there would need to be discussion about how long the appointment should last. The temporary appointment period would have to be defined.

Commissioner Johnson stated that he feels that the Mayor appointing someone is like an endorsement and it is not fair to the other candidates. He feels that this type of appointment before a special election makes the process less fair.

Commissioner Wiseman stated that she wants to discuss the items Commissioner Simula has presented, but not at the meeting tonight.

President Smith again asked for submissions to the City Clerk 30 days before the next meeting and asked for the commission to do what they think is right. There is not standard for the time submissions need to be made, but he wants the commission to have ample time to review.

Commissioner Ahlers stated that she would like to know if there is precedence for a neutral to preside over Commission meetings. She feels that the Commission President should not vote on matters unless there is a tie. She feels it would be a clearer process. She would like for someone with knowledge of Roberts Rules of Order to run the meeting.

President Smith clarified if Commissioner Ahlers would like to be the Chair of the Charter Commission.

Commissioner Ahlers stated that she did not.

Commissioner Wiseman stated the she understands Commissioner Ahlers' point, but there is no need to have an outside party conduct the meetings.

ADJOURNMENT

Motion by Commissioner Wiseman, seconded by Commissioner Ahlers, to adjourn the meeting.

Meeting adjourned at 7:55 pm.

Respectfully Submitted

Sara Ion, City Clerk/Recording Secretary

Fellow Commissioners- Please see this updated language regarding the unique situation in which a city council position is left vacant. This proposal defines the process to fill the vacated position, which continues to include temporary appointment as well as the potential for special election. The included language addresses a shorter timeline for the appointment process. It also gives the City Council a provision to hold a special election at the same time as a general election within a fair timeframe. You will find the proposed additions to the charter underlined.

Respectfully,
Commissioner Zeimet
Commissioner Simula
Commissioner Laine
Commissioner Hugo
Commissioner Ahlers
Commissioner Schluender

Enclosed

Historical Review
Summary of Challenges
Summary of Proposed Changes
Proposed Language Change
APPENDIX: Copies of Cities with Similar Charter Language (Hutchinson, Moundsvew,
Minnetonka, Bloomington, Richfield)

Historical Record

- The lengthy appointment process following election results of 2016 was originally discussed at a Charter Commission meeting on January 19, 2017. Both President Smith and City Attorney Hoeft noted that the process is prolonged.
- The lengthy appointment process was discussed again at a Charter Commission meeting on April 20, 2017. Councilmember Buesgens and Commissioner Laine suggested shortening the process to make an appointment by the end of February. Commissioner Penniston drew attention to the lack of direction in the Charter addressing consistent tie votes in the appointment process. Commissioner Anderson suggested that the Mayor has the power to break a tie. Commissioner Laine asked the commission to consider ranked-choice voting as well. President Smith directed commissioners to submit amendment proposals to the city clerk prior to the next meeting for review.
- An amendment was originally proposed at a Charter Commission meeting in July 2017. President Smith suggested that the issue be tabled and postponed until the October 2017 Charter Commission meeting.
- At a Charter Commission meeting on October 26, 2017, this issue was postponed again until the January 2018 Charter Commission meeting.
- At a Charter Commission meeting on January 19, 2018, this issue was postponed again until the April 2018 Charter Commission meeting.
- At a Charter Commission meeting on April 19, 2018, this issue did not appear on the agenda. Commissioner Simula asked that it be added to the July 2018 agenda.
- At a Charter Commission meeting on July 19, 2018, Commissioner Laine noted that the city of Richfield holds special elections to fill vacancies. Councilmember Buesgens reiterated that the process following the 2016 election was drawn out. President Smith suggested a study of how the special election operates in the city of Richfield, how it has been utilized in the past, and what sections of our Charter would be affected by a similar change. President Smith suggested that commissioners prepare these facts for a discussion at the October 2018 meeting.
 - Cities of Richfield and Bloomington are considering amendments modeled after [City of Minnetonka Home Rule Charter Section 2.06 - Vacancies in the Council](#)
- At a Charter Commission meeting on October 18, 2018, President Smith tabled this issue indefinitely. It was not discussed at any of the Charter Commission meetings in 2019.
- Due to COVID, there were no Charter Commission meetings held after Jan 2020 until April 2021.
- At a Charter Commission meeting on April 15, 2021, discussion resumed with the goal of reducing the time to fill the vacancy and including structure for resolving a deadlocked Council. Two options were proposed:
 - 1. Filling a vacancy by appointment
 - 2. Filling a vacancy by special election
 Commission voted to continue exploring Option 2: Special Election
- At a Charter Commission meeting on July 15, 2021, discussion contested the exploration of special elections, despite the vote at the previous meeting. President Smith stopped discussion when the meeting length approached 1 hour.
- At a Charter Commission meeting on October 21, 2021, President Smith used the

meeting to open a new discussion about whether or not special elections should be considered as part of the Charter. He cited costs of similar elections in other cities. The Commission voted to continue discussion about a special election. However, special elections are already included in the Charter, so the point is moot.

- At the same Charter Commission meeting on October 21, 2021, a revised version of the proposal to fill vacancies by special election (Option 2) was introduced. President Smith asked for 30 days to review the new language, and stopped discussion when the meeting length approached 1 hour.

Summary of Challenges

- Appointment process is too long.
- If the Council can't agree on an appointment, there is no way to break a tie.
- Council appointees are in office for too long, up to 2 years. Voters should be able to choose who fills such a long vacancy.

Summary of Changes

- **Faster Appointment** - As to not interfere with city business, no seat on the Council shall remain vacant for more than 45 days. The Council may hold appointee interviews if desired, and may begin without any waiting period.
- **Tie Breaker** - The Council will vote on the appointee a maximum of 3 times. If the Council can't come to an agreement after 3 votes or 45 days, the Mayor must appoint an eligible person within 15 days.
- **Appointee Limit** - If the vacancy is declared within the same year as a regular election year, the appointed person may serve through that regular election. If the vacancy is more than 180 days and not within the same year as a regular election, the appointed person will be replaced by the winner of a special election.
- **Simplifications and Clarifications** - As newspapers continue to decline, the term "newspaper" is changed to "publication". State elections are clarified as opportunities for municipal elections.

Proposed Language Change to Charter

CHAPTER 2

FORM OF GOVERNMENT

Section 9, VACANCIES IN THE COUNCIL

A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto 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, cessation as a resident of the city, continuous absence from the city for more than three months, conviction of a felony of any such person whether before or after qualification, the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three months or for any other cause as may be provided for in Minnesota Statutes, as amended. In each such case, at the next regular meeting following receipt of notice by the council of one of the foregoing conditions, the council shall by resolution declare such vacancy to exist unless further investigation is required. Notice of said vacancy shall be posted at city hall for a period of two (2) weeks from the date of the adoption of the resolution declaring said vacancy. Notice shall also be posted in a designated city publication for a period of two (2) weeks as soon as possible after the date of the adoption of said resolution. Applications shall be sought and accepted from individuals interested in filling the vacancy, which applications shall be submitted to city hall, to the attention of the City Clerk. At its option, the council may interview each of the applicants and shall conduct said interviews in an agreed upon uniform manner as a council. The council shall make its appointment from the pool of applicants within forty-five (45) days of the vacancy resolution, whether done so at a regular council meeting or a special meeting. If the council fails to make the appointment within forty-five (45) days, or, if before the end of the forty-five (45) days, votes three times on the appointment and is unable to fill the vacancy, the mayor must, within fifteen (15) days, appoint a person from the remaining applicants under consideration to fill the vacancy. The individuals so appointed shall fill said vacancy until the next regular state or municipal election, when the office shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter set forth; provided, however, that if a vacancy is declared by resolution and if 180 days or more remain in the unexpired term, then the Council shall call a special election at which time the vacancy shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter provided. Notwithstanding anything to the contrary herein, any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case.

CHAPTER 4

NOMINATIONS AND ELECTIONS

Section 29. SPECIAL ELECTIONS.

The council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election. The procedure at such election shall conform as nearly as possible to that herein provided for other municipal elections. Special elections must be held at the earliest date possible under state law. Candidates must file for office no later than four weeks before the election. If a special election occurs in the same year as a regular municipal election, the council may at its option schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest possible date under state law.

APPENDIX

Copies of Cities with Similar Language

City of Hutchinson

<https://www.ci.hutchinson.mn.us/wp-content/uploads/2017/08/citycharter12-2016.pdf>

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 3 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.

City of Moundsview

[https://cms6.revize.com/revize/moundsview/document_center/City%20Charter/CITY_CHARTER - May 2013\(1\).pdf](https://cms6.revize.com/revize/moundsview/document_center/City%20Charter/CITY_CHARTER_-_May_2013(1).pdf)

Section 4.05. Vacancy of Municipal Elected Office. Subdivision 1. When a vacancy in an elected office of the City occurs with 365 days or more remaining in the term of the vacated office, there shall be a special election held within ninety days after the vacancy occurs to elect a successor to serve for the remainder of the unexpired term of the office vacated. Subdivision 2. The City Administrator shall give at least sixty days published prior notice of such special election, except as set forth under Subdivision 5 of this section. Subdivision 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. Subdivision 4. In the case of a vacancy where there remains less than 365 days in the unexpired term, the Council shall by a majority vote appoint a successor to serve for the remainder of said term. In the case of a tie vote of the Council, the Mayor shall make said appointment. Subdivision 5. When a vacancy in an elected municipal office occurs within 120 days prior to a regular municipal election date, the special election to fill the vacancy shall coincide with the regular election. If the vacancy occurs within sixty days prior to the regular election date, the notice of such vacancy shall be published as soon as is practicable. If within the 120 day period before a regular municipal election, the vacancy occurs in the office of the Mayor or in the office of either or both of the Councilmembers whose seats are to be decided in the election, said vacancy

shall be considered not to exist for purposes of the election. However, if such vacancy occurs in the office of either of the other two Councilmembers, the seat shall be filled by the candidate for Councilmember with the third highest vote total, or, in the case of two vacancies, the third and fourth highest vote totals. Where two vacancies exist, the candidate with the third highest total shall fill the vacancy in the office having the longest unexpired term. Candidates filing a vacancy shall take office at or before the next regularly scheduled Council meeting following election certification. (Amended by Ordinance 748; Adopted September 27, 2004; Filed October 13, 2004). Subdivision 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.

City of Minnetonka

https://codelibrary.amlegal.com/codes/minnetonka/latest/minnetonka_mn/0-0-0-34

Subd. 4. Procedure to fill the vacancy.

a. A special election is required to fill a vacancy when:

- (1) The vacancy has been declared, or has automatically occurred, before the first day to file affidavits of candidacy for the next regular municipal election; and
- (2) more than two years remain in the unexpired term.

When this subdivision 4.a. applies, the city council must adopt a resolution to set the date for the special election at the first regular or special meeting of the city council occurring after the vacancy automatically occurs or at the same meeting at which the vacancy is declared. The special election must be held in accordance with subdivision 5 of section. The person elected will serve the unexpired term for that office. The city council, at its option and at the same or a subsequent meeting, may make an interim appointment of a person to fill the vacancy until a successor is elected at the special election and qualifies for the office.

b. If a special election is not required by subdivision 4.b. above, the council may either appoint an eligible person to serve until expiration of the position's term or fill the vacancy by special election. Upon notice of an impending resignation, the council may begin the process of determining how to fill the vacancy. No later than 60 days after a vacancy automatically occurs or is declared to exist, the council must appoint an eligible person to fill the vacancy or schedule a special election to be held in accordance with subdivision 5 of this section.

If the council does neither, the mayor, or acting mayor if the vacancy is in the mayor's position, has seven days to appoint an eligible person to fill the vacancy.

If after 67 days no appointment is made nor an election scheduled, the clerk must schedule a special election to be held in accordance with subdivision 5 of this section

Subd. 5. Special Election Requirements

a. Except as provided in subdivison 5.b. below, special elections must be held at the earliest date possible under state law.

Candidates must file for office no later than four weeks before the election

b. If a special election occurs in the same year as a regular municipal election, the council may at its option schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest possible date under state law.

City of Bloomington

https://codelibrary.amlegal.com/codes/bloomington/latest/bloomington_mn/0-0-0-43588#JD_Cht_r.2.05

§ 2.05 VACANCIES IN THE COUNCIL.

A vacancy in the council exists for any of the following reasons:

- (a) The failure of a person elected to qualify for office by the date of the second regular meeting of the council in the term for which the person was elected;
- (b) Death;
- (c) Resignation;
- (d) Removal from office;
- (e) Loss of residency;
- (f) Continuous absence from the city for more than three months;
- (g) Conviction of a felony of a councilmember, whether before or after qualification for office;
- (h) Failure of a councilmember without good cause to perform the duties of the office for a period of three months.

In any of these cases, the council must declare by resolution that a vacancy exists. The council must adopt the resolution declaring the vacancy at the next regularly scheduled council meeting. Within forty-five days after the adoption of the resolution, the council must appoint an eligible person to fill the vacant office until the next regular state or municipal election when the office will be filled for the unexpired term. If the council fails to make the appointment within forty-five days, or, if before the end of the forty-five days, votes three times on the appointment and is unable to fill the vacancy, the mayor must, within fifteen days, appoint an eligible person to fill the vacancy until the next scheduled state or municipal general election when the office will be filled for the unexpired term. When the council or mayor makes the appointment after the opening date of filing for the next regularly scheduled state or municipal general election, or in November or December, the voters must elect an eligible person for the unexpired term of office at a special election to be held at the state or municipal general election scheduled for the following year. No special election will be held for an unexpired term of two months or less.

City of Richfield

https://library.municode.com/mn/richfield/codes/code_of_ordinances?nodeId=APXACICHRI_CH_2FOGO_S2.05VA

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. 1992-10)

- **Vacancy occurs 6 months or less until regular election**

Council makes temporary appointment. Appointee stands for special election concurrent with the regular election for remaining term of the seat, if any

- **Vacancy occurs more than 6 months but 12 months or less before a regular election**

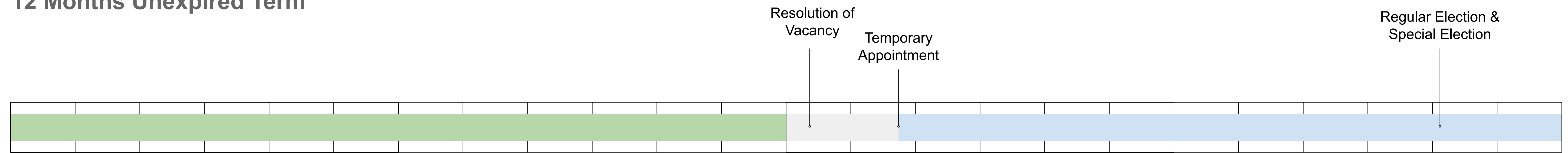
- Council makes temporary appointment, and a special election is triggered to decide who will fill the seat for whatever term remains for the seat beyond the election, if any
- If the year is within a regular election year, the Council may at its discretion declare the special election for the partial term to occur concurrent with the regular election

- **Vacancy occurs more than 12 months before a regular election**

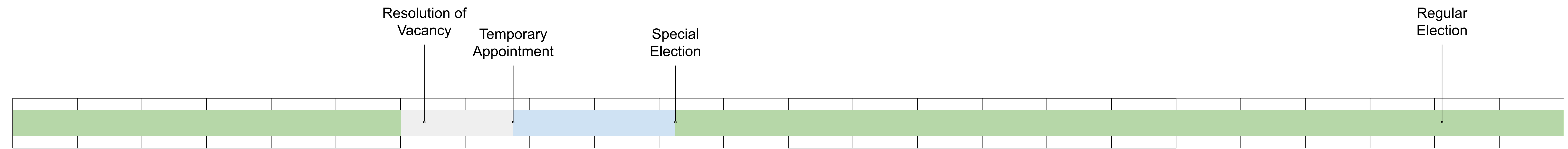
Council makes temporary appointment, and a special election is triggered to decide who will fill the seat for whatever term remains for the seat

Vacancy filled by Special Election (Proposed)

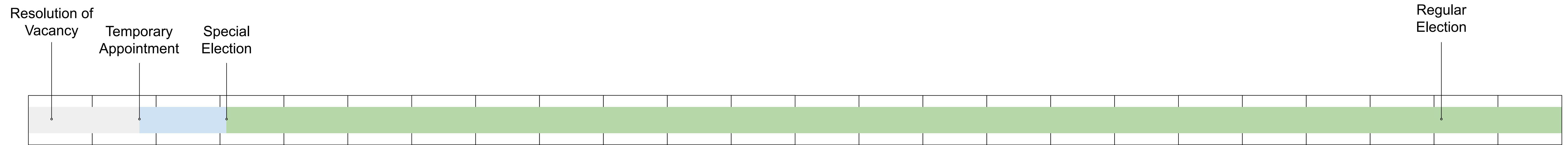
12 Months Unexpired Term



18 Months Unexpired Term

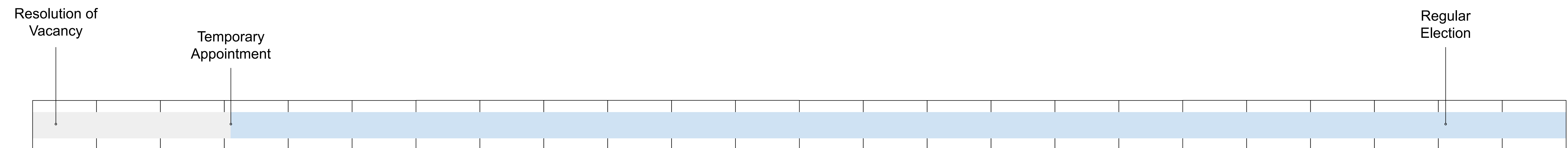


24 Months Unexpired Term



Vacancy filled by Appointment (Current)

24 Months Unexpired Term



**CITY OF COLUMBIA HEIGHTS CHARTER COMMISSION
2021 ANNUAL REPORT**

MEMBERSHIP:

The following members served in 2021:

Matt Abel	Bill Hugo	Gregory Sloat
Kathy Ahlers	Clifford Johnson*	Steve Smith
Ramona Anderson	Tom Kaiser**	Frost Simula
Tyler Eubank	Carolyn Laine	Susan Wiseman
Ben Harris*	Joe Schluender	Nick Zeimet

* Commissioner Ben Harris and Clifford Johnson were appointed in March of 2021.

**Commissioner Tom Kaiser resigned following the October 2021 meeting.

Councilmember KT Jacobs served as the Council Liaison for 2021.

At the end of 2021, there were 14 Commissioners.

OFFICERS:

The following members served as officers for the Charter Commission in 2021:

President: Steve Smith

Vice President: Matt Abel

Secretary: Bill Hugo

MEETINGS:

The Charter Commission held three meetings in 2021: April 15, July 15 and October 22.

ISSUES DISCUSSED:

The Commission discussed the following issue in 2021:

Mayors Term Length:

At the April 2021 Meeting Commissioner Simula presented changing the Mayor's term length from two years to four years. There was a discussion about how this change was not supported by Council or Voters in 2018 and the Commission decided not to move forward with the item at this time.

Charter Commission Legislation:

At the April 2021 Meeting Commissioner Laine stated that during the 2020 session there were changes made to Minnesota State Statute regarding Charter Cities. These include clarification that the Chief Judge can reappoint Charter Commission members, changing the time frame for making an appointment or reappointment to 60 days, and changing the amount of money a Charter Commission is authorized to receive in order to educate on a charter amendment to 0.07% of the property tax levy.

Council Vacancies:

At the April 2021 meeting, the Charter Commission continued the 2020 discussion of using special elections to fill City Council vacancies as well as keeping an appointment process, but modifying it. During the discussion, it was determined proposals would be drafted for both options and brought to the next meeting for consideration.

The topic of council vacancies was continued at the July 2021 meeting as well. The Commission decided to continue the conversation to the next meeting. At the October 2021 meeting the Commission made a vote to pursue updating the

Charter regarding special elections. Commissioner Simula presented information about his proposed plan, and the information was to be further solidified and brought to the Commission for review at the January 20, 2022 meeting.

Respectfully Submitted,

Sara Ion, City Clerk/Recording Secretary