



City of Blaine

Charter Commission

August 8, 2023 | 6:00 PM
Blaine City Hall
10801 Town Square Drive NE
Blaine, MN 55449

The Charter Commission reviews the City Charter and recommends charter amendments in keeping with the state law. Commissioners are citizen volunteers recommended for appointment by the City Council to the Tenth Judicial District Chief Judge. The Charter Commission meets annually as required by statute, but may convene more often as needed. Those interested in having direct input into City government are encouraged to consider serving on the Commission. Appointments are 4-year terms and Commissioners are no longer limited to two 4-year terms per Minnesota Statute. The Charter Commission must consist of a minimum of seven commissioners and no more than 15 commissioners.

AGENDA

- 1. Call to Order**
- 2. Roll Call**
- 3. Open Forum for Citizen Input**
- 4. Approval of Minutes**
 - 4.1.** 2023-344 Approval of Minutes of May 12, 2022
Sponsors:
- 5. Old Business**
 - 5.1.** 2023-345 Council Salary Review
Sponsors:
 - 5.2.** 2023-346 Potential Ward Structure Changes
Sponsors:
 - 5.3.** 2023-347 Councilmember Recall Process
Sponsors:
- 6. New Business**
- 7. Adjournment**

City Of Blaine
Anoka County, Minnesota
Minutes of the Meeting
Blaine Charter Commission

Thursday, May 12, 2022

6:00 PM
Cloverleaf Farm Room
10801 Town Square Drive NE

1. Call To Order/Roll Call

Chair Lester called the meeting to order at 6:00 PM.

Appointment of Charter Commission Chair/Vice Chair

Moved by Commissioner Goracke, seconded by Commissioner Berk, that Commissioner Lester be appointed Chair and Commissioner Goracke be appointed Vice Chair for the Blaine Charter Commission.

Motion approved unanimously.

Present: Chair Jeffrey Lester, Commissioners Stephen Berk, Alan Goracke, Jason Halpern, Jason Hartmann, Terri Homan, Lori Saroya, Dick Swanson, Arman Tagarro

Absent: Commissioner Gigi Sadat-Hendi

Also Present: City Clerk/Staff Liaison Cathy Sorensen

Quorum present.

2. Approval Of Minutes – April 12, 2022

Moved by Commissioner Goracke, seconded by Commissioner Berk, that the minutes of April 12, 2022, be approved.

Motion approved unanimously.

3. Old Business

3.1 Consider Potential Ward Structure Changes

City Clerk Sorensen shared that as part of the 2022 redistricting process Council was open to considering the possibility of future ward restructuring as the City reaches full development. She shared reasons for possible restructuring could include five or six smaller wards that could potentially provide more neighborhood-based representation as opposed to the current three-ward structure.

3.2 Councilmember Recall Process

Ms. Sorensen stated Council has directed the Commission to consider Charter language that would provide for a recall process for an elected Councilmember. She shared language from other cities for consideration and requested feedback from the Commission.

Commission consensus was to review proposed Charter amendment language for presentation to City Council for formal consideration.

5. Other Business

None.

6. Set Next Meeting Date

The next meeting will be held June 14, 2022.

7. Adjournment

Moved by Commissioner Goracke, seconded by Commissioner Berk, to adjourn. Motion approved unanimously. The meeting was adjourned at 6:40 PM.

Catherine M. Sorensen, CMC, City Clerk
Staff Liaison/Blaine Charter Commission

3.1 Council Salary Review/Recommendation Process

City Charter Sec. 2-07. – Salaries states that the monthly salary of each of the councilmembers and mayor shall be established by ordinance. City Council has directed the Charter Commission to annually review surveys of council salaries from comparable/surrounding cities for recommendations on possible adjustments for consideration. Any adjustments recommended would be presented to Council and if concurred an ordinance amendment would be processed. Pursuant to MN Statute 415.11, no change in salary shall take effect until after the next succeeding municipal election. The last increase to salaries occurred in 2015.

Sec. 2-31. - Salaries of mayor and councilmembers.

Pursuant to the City Charter, [section 2.07](#), and Minn. Stat. § 415.11, as amended, the salary of the mayor shall be increased to \$1,192.80 per month; and the salary of the councilmembers shall be increased to \$875.00 per month, effective January 2015.

Attachment - survey

Information Collected July 2023.

City	Mayor Annual Salary	Councilmember Annual Salary
Blaine	\$ 14,314	\$ 10,500
Bloomington	\$ 26,400	\$ 12,396
Brooklyn Park	\$ 21,355	\$ 12,212
Burnsville	\$ 15,600	\$ 12,000
Coon Rapids	\$ 14,000	\$ 10,500
Eagan	\$ 13,624	\$ 10,004
Eden Prairie	\$ 17,245	\$ 13,351
Edina	\$ 15,965	\$ 12,700
Hopkins	\$ 15,000	\$ 12,500
Lakeville	\$ 15,000	\$ 10,000
Maple Grove	\$ 15,500	\$ 13,500
Minnetonka 2023	\$ 15,000	\$ 11,000
Minnetonka 2024	\$ 23,500	\$ 18,000
Plymouth	\$ 17,413	\$ 12,615
St. Louis Park	\$ 16,176	\$ 13,533
Woodbury	\$ 16,680	\$ 12,006

3.2 Consider Potential Ward Structure Changes

As part of the 2022 redistricting process Council was supportive of the Charter Commission's recommendation to review potential amendments that would allow for the possibility of future ward restructuring as the City reaches full development. The Commission's reasons for possible restructuring included five or six smaller wards that could potentially provide more neighborhood-based representation as opposed to the current three-ward structure. Factors used to determine both wards and precincts include:

- 2020 census population
- projected population growth
- registered voters and estimated voters
- wards that are bounded by precinct lines, compact in area, and composed of contiguous territory
- wards that are as equal in population as practicable within the required 5% population threshold
- polling place management

Below is current language from Charter establishing the number of election wards:

Sec. 2.03(a). Wards.

The City of Blaine shall be divided into three (3) council election wards.

The city manager shall re-evaluate the ward boundaries following the certification of the decennial census.

Council election wards shall be as equal in population as practicable and each ward shall be composed of compact, contiguous territory.

Ward boundaries shall follow visible, clearly recognizable physical features as required by state law. The city manager shall prepare a redistricting report which shall be submitted to the charter commission for review and comment.

The redistricting report, any charter commission comments, and a redistricting ordinance shall be submitted to the city council for consideration. If the city council does not adopt a redistricting ordinance within the period specified by state law, no compensation may be paid to the mayor or councilmembers until the wards of the city are newly redetermined as required by this charter and state law.

(Ord. of 11-5-1974; Ord. No. 756, 6-14-1982; Ord. No. 91-1268, 1-9-1992; Ord. No. 12-2239, 3-15-2012)

Below is current language from City code Chapter 26 Elections that outlines election wards

Sec. 26-1. Councilmember election wards.

Pursuant to section 2.03(a) of the city Charter, the city is divided into three wards for the election of councilmembers, pursuant to section 2.03 of the city Charter. The

wards established in this section shall exist as of August 9, 2022, and candidates for the office of councilmember shall seek election at the regular city election of 2022.

Ward No. 1: Ward No. 1 is that part of the City of Blaine lying within its corporate limits and lying south of the following described line:

Beginning on the west corporate limits at the intersection of C.S.A.H. 51 (University Avenue) and C.S.A.H. 12 (109th Avenue); thence east along C.S.A.H. 12 (109th Avenue) to C.S.A.H. 52 (Radisson Road); thence south along C.S.A.H. 52 (Radisson Road) to 101st Avenue; thence east along 101st Avenue to C.S.A.H. 52 (Radisson Road); thence southeast along C.S.A.H. 52 (Radisson Road) to intersection of I35W and 95th Avenue; thence north a distance of 1,288 feet on I35W to the corporate limits adjacent to Circle Pines; thence following the corporate limits in alignment with 97th Lane to Hamline Avenue; thence south along Hamline Ave to Edgewood Road; thence east along Edgewood Avenue to C.S.A.H. 17 (Lexington Avenue); thence north on C.S.A.H. 17 (Lexington Avenue) to County Road 49 (North Road); thence east along County Road 49 (North Road) to the east corporate limits and County Road 53 (Sunset Avenue); and there terminating.

Ward No. 2: Ward No. 2 is that part of the City of Blaine within its corporate limits bounded on the west by C.S.A.H. 51 (University Avenue), and within the following described line:

Beginning on the west corporate limits at the intersection of C.S.A.H. 51 (University Avenue) and C.S.A.H. 12 (109th Avenue); thence east along C.S.A.H. 12 (109th Avenue) to C.S.A.H. 52 (Radisson Road); thence south along C.S.A.H. 52 (Radisson Road) to 101st Avenue; thence east along 101st Avenue to C.S.A.H. 52 (Radisson Road); thence southeast along C.S.A.H. 52 (Radisson Road) to intersection of I35W and 95th Avenue; thence north a distance of 1,288 feet on I35W to the corporate limits adjacent to Circle Pines; thence following the corporate limits in alignment with 97th Lane to Hamline Avenue; thence south along Hamline Ave to Edgewood Road; thence east along Edgewood Avenue to C.S.A.H. 17 (Lexington Avenue); thence north on C.S.A.H. 17 (Lexington Avenue) to County Road 49 (North Road); thence east along County Road 49 (North Road) to the east corporate limits and County Road 53 (Sunset Avenue); thence north on County Road 53 (Sunset Avenue) to C.S.A.H. 14 (125th Avenue); thence west along C.S.A.H. 14 (125th Avenue) to Harpers Street; thence south along Harpers Street to Lakes Parkway; thence southwest along Lakes Parkway to the intersection of C.S.A.H. 52 (Radisson Road) and 119th Avenue; thence west along 119th Avenue to Arnold Palmer Trail; thence west along Arnold Palmer Trail to 117th Lane, thence west 117th Lane to London Street; thence north along London Street to 118th Lane; thence northwest along 118th Lane to 119th Avenue; thence west

along 119th Avenue to the intersection of T.H. 65 and 117th Avenue; thence west along 117th Avenue to the west corporate limits of the city at C.S.A.H. 51 (University Avenue); thence south along C.S.A.H. 51 (University Avenue) to the Point of Beginning; and there terminating.

Ward No. 3: Ward No. 3 is that part of the City of Blaine lying within its corporate limits and lying north of the following described line:

Beginning on the west corporate limits at the intersection of C.S.A.H. 51 (University Avenue) and 117th Avenue; thence east along 117th Avenue to the intersection of T.H. 65 and 119th Avenue; thence east along 119th Avenue to 118th Lane; thence southeast along 118th Lane to London Street; thence south along London Street to 117th Lane; thence east along 117th Lane to Arnold Palmer Trail; thence east along Arnold Palmer Trail to 119th Avenue; thence east along 119th Avenue to the intersection of C.S.A.H. 52 (Radisson Road) and Lakes Parkway; thence northeast along Lakes Parkway to Harpers Street; thence north along Harpers Street to C.S.A.H. 14 (125th Avenue); thence east along C.S.A.H. 14 (125th Avenue) to east corporate limits of the city, County Road 53 (Sunset Avenue); and there terminating.

(Code 1980, § 2-7; Ord. No. 528, 4-7-1971; Ord. No. 728, 6-4-1981; Ord. No. 757, 6-14-1982; Ord. No. 86-991, 11-20-1986; Ord. No. 92-1283, § 2, 3-19-1992; Ord. No. 02-1946, 4-18-2002; Ord. No. 12-2246, 3-15-2012; Ord. No. 22-2499, 3-21-2022)

Staff is presenting the following additional language to City code that, upon review and consensus by Council, would result in the Charter Commission reviewing both the ward boundaries and the number of council election wards for potential changes.

Sec. 26-2. Redetermination of Ward Boundaries.

Pursuant to City Charter Sec. 2.03(a). - Wards, the City Council shall re-determine appropriate ward boundaries in years between the taking of a Federal decennial census whenever the Council finds that a deviation of more than five percent exists in the populations of the largest and smallest wards. For the purposes of this section, the Council, in making its findings as to population, shall take into consideration changes in numbers of households since the last decennial census and household size in areas where changes have occurred as determined by the school district and as outlined in the Metropolitan Council's annual preliminary population and household estimates released in April of each year pursuant to MN Statute 473.24. If after review of the findings the Council determines changes to the number of council election wards should be changed in addition to ward boundaries, the Council shall direct the Charter Commission to review the findings for recommendation to the Council for any appropriate Charter amendments.

Sec. 26-2 3. Voter registration.

- (a) *Adoption of system.* The system for the permanent registration of voters provided for by Minn. Stat. ch. 201 is hereby adopted for the city.

State law reference(s)—Voter registration system established, Minn. Stat. §§ 201.021, 201.022; state election laws to apply to municipalities, Minn. Stat. § 205.02.

- (b) *Prerequisite to voting.* No person shall be permitted to vote at any election held in the city unless such person shall have registered as provided in Minn. Stat. ch. 201.

(Ord. No. 72, 3-2-1962; Code 1963, §§ 113.01, 113.02; Code 1980, §§ 2-5, 2-6)

Sec. 26-3 4. Political campaign signs.

Political campaign signs designating candidates seeking public political office and other data pertinent thereto shall be subject to the following restrictions:

- (1) Signs shall be permitted only on private property provided that the property owner's permission has been obtained by the candidate. Signs are prohibited on public property.
- (2) At a corner of an intersection, signs are prohibited within a triangle formed by measuring 30 feet along the curbs from the point where the curbs intersect and drawing an imaginary line from curb to curb to define the triangle.
- (3) Along the street edge, away from an intersection, signs shall be placed not less than ten feet from the nearest edge of the pavement.
- (4) Where a sidewalk is installed parallel to a public street, 12 inches from the sidewalk edge farthest from the street shall be the minimum setback from the street for sign placement.
- (5) All signs are presumed to be the property and responsibility of the candidate. Each candidate shall provide to the city clerk the names and means of contacting two persons that may receive notices of violation on the candidate's behalf.
- (6) Any candidate who fails to remove a sign placed in violation of this subsection within 48 hours after receiving notice from the city shall be guilty of a petty misdemeanor and shall be subject to the penalty contained in section 1-7 of this Code.
- (7) Nothing in this section shall preclude the immediate removal of signs deemed by the city manager to be a safety hazard.

Signs placed in violation of this section are also subject to immediate removal by the city.

(Code 1980, § 2-10; Ord. No. 97-1657, 5-1-1997; Ord. No. 01-1906, 6-21-2001)

State law reference(s)—Display of noncommercial signs in a state general election year, Minn. Stat. § 211B.045.

Should the Commission determine an increase in the number of wards was appropriate a recommendation would be made to the City Council for consideration of required Charter amendments.

3.3 Councilmember Recall Process

In 2022 the Council directed the Charter Commission to consider Charter amendments that would provide for a recall process for an elected Councilmember. It should be noted that the State's Constitution and Statute provide for recall of elected state officials but not city officials. The topic was discussed at the 2022 Commission meetings where Commissioners shared input cautioning that reasons for recall did not include those good cause such as health and was against language providing for a recall strictly for political reasons but should address members not being available, dereliction of duty, or criminally based, such as gross misdemeanor or higher. Discussion was held that while Charter language sets the parameters for recall ultimately the action was up to the residents to decide and suggested setting the threshold for recall high such as 20% of registered voters. Discussion was held that the recall committee should be larger than five registered voters as well as possibly allowing for a temporary recall. Discussion was also held regarding the potential for lawsuits if the petitions were unfounded and if the councilmember as subject of the recall could appeal the validity of the petition.

Attached are examples from several cities as well as draft language for Commission consideration. Once language is finalized the amendments would be presented to Council for consideration. It should be noted that MN Statute 412.02 subd(b) allows cities to declare a vacancy of office if unable/unwilling to serve for a period of 90 days (see attached). Many cities, including Blaine, includes additional language in either Charter or City code so any potential recall process ultimately would not have to reference inability or refusal to serve.

Attachments – Recall Petitions – other cities

Minn. Stat. 412.02, subd. 2b states the following:

Subd. 2b. **Inability or refusal to serve.**

A vacancy in the office of mayor or council member may be declared by the council when the officeholder is unable to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting for the remainder of the unexpired term, or until the person is again able to resume duties and attend council meetings, whichever is earlier. When the person is again able to resume duties and attend council meetings, the council shall by resolution remove the temporary officeholder and restore the original officeholder.

This is discussed further on page 7 of Chapter 6 of our Handbook available here: www.lmc.org/resources/.... In addition to this 90-day absence rule, the memo also discusses abandonment.

Whether an abandonment of office actually occurs is difficult to determine. The intent of the office holder is the controlling factor. The attorney general, while cautioning that this is a question of fact, has indicated that failure to participate in council activities for three months is sufficient grounds for declaring an abandonment of office.

412.02 MS 1945 [Repealed, 1949 c 119 s 110]

412.02 CITY ELECTIONS; OFFICERS, TERMS, VACANCIES, CITY EMPLOYEES.

Subdivision 1. **Officers elected.** The following officers shall be elected for the terms and in the years shown and in the cities described in the table.

Officer	Number of Years in Term	Year Elected	City Elected
Mayor	Two or four	Every two years except where four years is otherwise provided pursuant to statute	Every statutory city
Clerk	Four	Every four years in year when treasurer is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Treasurer	Four	Every four years in year in which clerk is not elected	Every statutory standard plan city in which there is no clerk-treasurer
Clerk-Treasurer	Four	Every four years in year in which one council member is elected	Every statutory standard plan city where such office exists pursuant to subdivision 3
Three Council members	Four	Two every four years and one in alternative election	Every statutory standard plan city with a council of five
Four Council members	Four	Two each election	Every statutory optional plan city with a council of five
Five Council members	Four	Three every four years and two in alternative election	Every statutory standard plan city with a council of seven
Six Council members	Four	Three each election	Every statutory optional plan city with a council of seven

Subd. 1a. **City council; city employees.** Neither the mayor nor any city council member may be employed by the city. For purposes of this subdivision, "employed" refers to full-time permanent employment as defined by the city's employment policy.

Subd. 2. **Term.** Terms of elective officers shall commence on the first Monday in January following the election at which the officer is chosen. All officers chosen and qualified as such shall hold office until their successors qualify.

Subd. 2a. **Vacancy.** Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall

serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.

All of the provisions of the Minnesota Election Law are applicable to special elections as far as practicable.

Subd. 2b. **Inability or refusal to serve.** A vacancy in the office of mayor or council member may be declared by the council when the officeholder is unable to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting for the remainder of the unexpired term, or until the person is again able to resume duties and attend council meetings, whichever is earlier. When the person is again able to resume duties and attend council meetings, the council shall by resolution remove the temporary officeholder and restore the original officeholder.

Subd. 3. **Clerk, treasurer combined; audit standards.** (a) In cities operating under the standard plan of government the council may by ordinance adopted at least 60 days before the next regular city election combine the offices of clerk and treasurer in the office of clerk-treasurer, but such an ordinance shall not be effective until the expiration of the term of the incumbent treasurer or when an earlier vacancy occurs. After the effective date of the ordinance, the duties of the treasurer and deputy treasurer as prescribed by this chapter shall be performed by the clerk-treasurer or a duly appointed deputy. The offices of clerk and treasurer may be reestablished by ordinance.

(b) If the offices of clerk and treasurer are combined as provided by this section and the city's annual revenue for all governmental and enterprise funds combined is more than the amount in paragraph (c), the council shall provide for an annual audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum auditing procedures prescribed by the state auditor. If the offices of clerk and treasurer are combined and the city's annual revenue for all governmental and enterprise funds combined is the amount in paragraph (c), or less, the council shall provide for an audit of the city's financial affairs by the state auditor or a public accountant in accordance with minimum audit procedures prescribed by the state auditor at least once every five years, which audit shall be for a one-year period to be determined at random by the person conducting the audit.

(c) For the purposes of paragraph (b), the amount in 2004 is \$150,000, and in 2005 and after, \$150,000 adjusted for inflation using the annual implicit price deflator for state and local expenditures as published by the United States Department of Commerce.

Subd. 4. [Repealed, 1973 c 34 s 7]

Subd. 5. [Repealed, 1983 c 359 s 151]

Subd. 6. **Council increased or reduced.** The council may by ordinance adopted at least 60 days before the next regular city election submit to the voters of the city the question of whether the city council should be increased or reduced to seven or five members. The ordinance shall include a schedule of elections and

terms to accomplish the change. The proposal shall be voted on at the next city general election and, if approved by a majority of those voting on the question, go into effect in accordance with the schedule.

History: 1959 c 675 art 6 s 30; 1961 c 230 s 1; 1963 c 799 s 5; 1963 c 811 s 1; 1965 c 417 s 1-4; 1967 c 289 s 2; 1973 c 34 s 1; 1973 c 123 art 2 s 1 subd 2; art 2 s 2; 1973 c 492 s 7; 1974 c 337 s 5; 1976 c 2 s 131; 1976 c 44 s 21; 1981 c 172 s 3,4; 1983 c 359 s 62; 1986 c 444; 1989 c 30 s 1,2; 1995 c 27 s 2; 1996 c 422 s 2,3; 1999 c 75 s 2; 1999 c 132 s 43; 2004 c 281 s 2; 2010 c 206 s 2; 2021 c 31 art 3 s 27

Anoka

...or for reasons prescribed by State Law (see below):

State Statute 412.02, Subd. 2b. Inability or refusal to serve.

A vacancy in the office of mayor or council member may be declared by the council when the officeholder is unable to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period. If any of the preceding conditions occurs, the council may, after it has by resolution declared a vacancy to exist, fill the vacancy at a regular or special council meeting for the remainder of the unexpired term, or until the person is again able to resume duties and attend council meetings, whichever is earlier. When the person is again able to resume duties and attend council meetings, the council shall by resolution remove the temporary officeholder and restore the original officeholder.

Blaine

Sec. 2.05. - Vacancies in the council.

A vacancy in the council shall exist in case of:

- (1) The failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council; or
- (2) The death, resignation, removal from office, removal from the city, continuous absence of any councilmember from the city for more than three (3) months; or
- (3) The failure of any councilmember without good cause to perform any of the duties of membership in the council for a period of two (2) months; or
- (4) The conviction of any such person of a crime for which a sentence of imprisonment for more than one year may be imposed, whether before or after such person's qualification.

Bloomington

Failure of a councilmember without good cause to perform the duties of the office for a period of three months.

Brooklyn Park

Failure to perform any of the duties of Council Member for a continuous period of ninety (90) days.

Coon Rapids

Attends no regular, special or emergency meetings of the City Council during any period of seventy (70) consecutive calendar days.

Duluth

...or continuous absence from the city for more than thirty days, but if additional time is needed, leave may be granted by the council for a longer absence.

Fridley

...failure to attend any council meetings for three (3) consecutive months;

Hopkins

...fails, without good cause, to perform any of the duties of the office for a period of three months.

Plymouth

A vacancy in an elective office exists for the reasons specified by law.

Ramsey

...or by reason of the failure of any councilmember without good cause to attend council meetings for a period of three consecutive months.

Wayzata

...or failure to perform the duties of the office for a period of six weeks or for other recurring absenteeism without good cause.

CITY OF ALEXANDRIA

The undersigned qualified registered voters, understanding the nature of the ordinance hereto attached and believing it is to be detrimental to the welfare of the City, petition the Council for its submission to a vote of the voters for their approval or disapproval.

	<u>Date</u>	<u>Legal Signature</u>	<u>Name (print legibly)</u>	<u>Address (print legibly)</u>
1.				
2.				
3.				

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

Subd. 3. Referendum Ballots.

The ballots used in any referendum election shall conform as nearly as possible to the rules laid down in Sec. 5.02, Subd. 5, of this charter for initiative ballots.

Subd. 4. Referendum Relating to Charter Amendments.

If a referendum relates to an ordinance to amend this Charter, then state law shall govern the process for such referendum.

Section. 5.04. Recall.

Subd. 1. Generally.

Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city, and any five electors of any ward may form themselves into a committee for the purpose of bringing about the recall of any elected officer of that ward. 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 and fifty words and their intention to bring about his or her recall. The grounds as set forth in the recall petition must be predicated on one (1) or more charges of malfeasance, nonfeasance or both, as the same may be defined by state law. 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.

Subd. 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 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. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper shall be in substantially the following form:

CITY OF ALEXANDRIA

Recall Petition

proposing the recall of _____ from his/her office as _____, which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors who are all residents of the City of Alexandria:

Name	Address
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
5 _____	_____

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 Alexandria. 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 elected officer herein sought to be recalled, desire the holding of a recall election for that purpose.

	<u>Date</u>	<u>Legal Signature</u>	<u>Name (print legibly)</u>	<u>Address (print legibly)</u>
1.				
2.				
3.				

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

Subd. 3. Filing of Petitions.

Within thirty 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 ten (10) days, and if the clerk finds it irregular in any way or finds that the number of signers is less than twenty-five percent of the total number of electors of the city or ward, as the case may be, who cast their votes at the last preceding regular municipal election for all candidates for the office in question, the clerk shall so notify one 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 they 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 shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

Subd. 4. Recall Election.

If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the

CITY OF ALEXANDRIA

holding of a special recall election throughout the city or in the ward in question, not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time. Provided, further, that no such special election may be held sooner than allowed by state law.

In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

Subd. 5. Form of Recall Ballot.

Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A _____ be recalled from the office of _____?" the name of the officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not himself be, a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, the official shall be thereby removed from office, and in that event, the candidate who receives the highest number of votes for the office shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the vacancy shall be filled in accordance with the provision of Sec. 2.06, Subd. 2.

Sec. 5.05. 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 signature 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.

CHAPTER 5. RECALL OF ELECTIVE OFFICERS

Section 5.01 Voters May Remove.

The holder of any elective office in the City of Anoka may be removed by a majority of the voters at an election thereof taken, had and given in the manner and in compliance with the conditions hereinafter named.

Section 5.02 Petition.

Registered voters of the City of Anoka, equal in number to ten percent (10%) of the total number of registered voters in the City of Anoka, at the time of the last preceding regular municipal election, may file with the City Clerk their petition asking for the removal of any elected official, and for the election of a successor to such office. Such petition shall be in writing, and signed by said registered voters, listing the street address of their respective residence. It may consist of one or more papers, and such signatures need not all be on the same paper. The petition shall contain a general statement, of not more than two-hundred (200) words, describing the grounds upon which removal is sought, which shall be alike in all such papers. Said petition shall be accompanied by the affidavit of one of the signers of each of the papers constituting the same to the effect that the statements made in the paper on which his/her name appears are true to the best of his/her knowledge and belief, and that each and every signature thereof is the genuine signature of the person it purports to be, and was placed thereon by such person; provided, however, that no such petition shall be made and filed against any officer until he/she has actually held the office for at least three (3) months.

Section 5.03 Proceedings on Conditions.

Within ten (10) business days from the date of filing of such petition, the City Clerk shall ascertain whether or not said petition is signed by the requisite number of registered voters as required in Section 5.02. The City Clerk shall attach to said petition a certificate showing the result of said examination. If, by the City Clerk's certification, the petition is shown to be insufficient, it may be amended by the petitioner within ten (10) business days from the date of the City Clerk's determination. The City Clerk shall, within ten (10) business days after receiving the amended petition, make a like examination of the amended petition, and if the City Clerk's certificate shows the same to be insufficient, it shall be returned to the person filing the same and shall not be brought before the Council. The determination of insufficiency of a petition does not preclude the filing of a new petition to the same effect.

If the petition is deemed sufficient, the City Clerk shall, within ten (10) business days, notify the elected official being sought to be removed, of the City's receipt of a sufficient petition calling for their removal from office. Said notice shall inform the elected official of the allegations brought against them. Said elected official shall be given the opportunity to respond to the petition, by submitting a written statement, of not more than two-hundred (200) words, to justify his/her course in office. Said response must be submitted within ten (10) business days from the date that the City Clerk gave notice to the elected official of the City's receipt of the sufficient petition.

Section 5.04 Submission of Petition and Response to City Council.

At the next regularly scheduled meeting of the Council, immediately following the deadline date of submission of a response from the elected official sought to be removed, the City Clerk shall submit the petition and response, if one is submitted, to the Council for determination by the Council that the petition sufficiently alleges malfeasance or nonfeasance in office by the elected official sought to be removed. If said determination is made by the Council, the Council shall order and fix a date for holding an election, not less than thirty (30) days, nor more than forty-five (45) days from the date the Council makes the determination on the sufficiency of the petition and allegations brought against the elected official sought to be removed.

Section 5.05 Election Under Recall, Notice of Election, Names on Ballots.

The City Clerk shall cause the call for such election to be published at least once each week for two (2) weeks prior to the date of the election, including in such call, the time and place of holding such election, and of the hours during which the polls will be open; and the same shall be conducted, nominations therefor shall be made, the judges and clerks therefor shall be appointed, returns made and canvassed, and the results thereof declared, in all respects as in a general municipal election. Nomination petitions, and indications of the willingness of persons nominated to accept the office if elected, must be filed in the office of the City Clerk at least fifteen (15) days before the date of the election. There shall be no primary election preceding a recall election. The successor of any officer so removed shall hold office during the unexpired term of his/her predecessor.

Any person sought to be removed may be a candidate to succeed himself/herself, and unless he/she requests otherwise in writing, the City Clerk shall place his/her name on the official ballot without nomination. At such election, if some other person than the incumbent shall receive the highest number of votes, the incumbent shall thereupon be removed from the office upon the qualification of his/her successor. In case the person who receives the highest number of votes fails to qualify within ten (10) days after receiving notification of his/her election, the office shall be declared vacant. If the incumbent receives the highest number of votes, he/she shall remain in office. The said method of removal shall be accumulative and additional to the method herein and in this Charter otherwise provided.

Section 5.06 Incapacity of Recalled Officers.

No person who shall have been recalled from office, or who has resigned from such office while recall proceedings were pending against him/her, shall be eligible to any office under said City for one (1) year after said recall or resignation.

the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special municipal election to be held thereon within not less than thirty nor more than forty-five days from the action of the council calling it. If a majority of the registered voters voting thereon are opposed to the ordinance, it shall not become effective; but if a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date therein specified. **(Ordinance No. 1280, passed June 23, 1997)**

Section 45. REFERENDUM PETITIONS. The requirements laid down in sections 38 and 39 above as to the formation of committees for the initiation of ordinances and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall begin as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to . . . (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by, etc. **(Ordinance No. 1280, passed June 23, 1997)**

Section 46. REFERENDUM BALLOTS. The ballots used in any referendum election shall conform to the rules laid down in section 42 of this charter for initiative ballots.

RECALL

Section 47. THE RECALL. Any five electors 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 and fifty words and their intention to bring about the recall. 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.

Section 48. 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 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 paper shall be substantially the following form:

RECALL PETITION

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

NAME	ADDRESS
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desiring 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. **(Ordinance No. 1086, passed June 11, 1984)**

Section 49. FILING OF PETITION. Within thirty days after 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 five days, and if the city clerk finds it irregular in any way, or finds that the number of signers is less than twenty-five percent of the total number of electors who cast their votes at the last preceding regular municipal election, the city clerk shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they 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 city clerk shall notify all of the members of the committee to that effect and shall file the petition. No further action shall be taken thereon. **(Ordinance No. 1086, passed June 11, 1984)**

Section 50. RECALL ELECTION. If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 51. PROCEDURE AT RECALL ELECTION. In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections. **(Ordinance No. 1086, passed June 11, 1984)**

Section 52. FORM OF RECALL BALLOT. Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?" the name of the officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not be a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recall, such official shall be thereby removed from office, and in that event the candidate who receives the highest number of votes for that office shall be elected thereto for the balance of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same as nearly as may be, as the form in use at a regular municipal election. **(Ordinance No. 1086, passed June 11, 1984)**

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not from the election by filing an affidavit of withdrawal, with the City Administrator consistent with M.S. §205.13, Subd. 6. Or any amendments thereof.

SEC. 5.07. NON-PARTISAN ELECTIONS. Elections for council positions shall be held on a non-partisan basis, with no party designation on the ballots.

CHAPTER 6

INITIATIVE, REFERENDUM, AND RECALL

SEC. 6.01. POWERS RESERVED BY THE PEOPLE. The people of the City reserve to themselves the powers, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money, rezoning of land, or authorizing the levy of taxes; to require such an ordinance when adopted by the Council to be referred to the registered voters for approval or disapproval; and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.02. EXPENDITURES BY PETITIONERS. No member of any initiative, referendum or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for services rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed such sums as may be provided by ordinance for stationery, copying, printing and notary's fees. Any violation of this Section is a misdemeanor.

SEC. 6.03. FURTHER REGULATIONS. The Council may provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this Charter, as it deems necessary.

Initiative

SEC. 6.04. INITIATION OF MEASURES. Any five (5) registered voters may form themselves into a committee for the initiation of any ordinance except as provided in Section 6.01. Before circulating any petition they shall file a certified copy of their proposed ordinance with the City Administrator 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.

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.05. FORM OF PETITION AND OF SIGNATURE PAPERS. The petition for the adoption of any ordinances shall consist of the ordinance, together with all signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of registered voters of the City equal to at least ten percent (10%) of the total number of voters registered on the date of the last preceding regular municipal election. All the signatures need not

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be on one 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 paper shall be in substantially the following form:

Initiative Petition

Proposing an ordinance to _____ (stating the purpose of the ordinance), a copy of which ordinance is hereto attached. This ordinance is sponsored by the following committee of five (5) registered voters:

Name (Printed)	Signature	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

The undersigned registered voters understanding the terms and the nature of the ordinance hereto attached, petition the Council for its adoption, or, in lieu thereof, for its submission to the registered voters for their approval.

Name (Printed)	Signature	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

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

(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.06. FILING OF PETITIONS AND ACTION THEREON. All the signature papers shall be filed in the office of the City Administrator as one instrument. Within 10 days after the filing of the petition, the City Administrator shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is sufficient. If he finds the petition insufficient or irregular, he shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his finding. The committee shall then be given 30 days to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the City Administrator shall file it in his office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition 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 registered voters at the next regular or any special election at its option. When the petition is found to be sufficient, the City Administrator shall so certify to the Council at its next meeting.

(Ord. 77, Seventh Series, eff. 1-26-19)

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SEC. 6.07. ACTION OF COUNCIL ON PETITION. Upon certification by the City Administrator of an ordinance initiated by petition, the Council shall refer the ordinance to the City Attorney or other qualified attorney selected by the Council for a written opinion as to the ordinance's compliance with Section 6.01, with a direction to the attorney to report to the Council within 30 days. If the attorney advises the Council that the initiated ordinance is contrary to the provisions of the law or this chapter, neither the Council nor any city officer may take any further action with respect to the ordinance. Upon receipt of the attorney's opinion that the initiated ordinance complies with Section 6.01 or if the attorney does not report to the Council within the 30-day period, at its next meeting the Council shall cause a first reading of the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The Council shall thereupon provide for a public hearing upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the Council not later than sixty (60) days after the date upon which it was submitted to the Council by the City Administrator. If the Council passes the proposed ordinance without amendments, the ordinance need not be submitted to the voters. If the Council passes the proposed ordinance with amendments and at least four-fifths of the sponsoring committee file a statement with the City Administrator approving the amended form 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 seventy (70) days after the final determination of the sufficiency of the petition, the Council must schedule a special election on the earliest date possible under Minnesota law. The ordinance shall be placed on the ballot as stated on the original petition filed with the City Administrator, unless, not later than seventy (70) days after the date upon which it was submitted to the council by the City Administrator, the Council votes to submit the proposed ordinance to the voters with amendments, and at least four-fifths of the sponsoring committee file a statement with the City Administrator approving the amendments within ten (10) days of the City Council vote, in which event the Council must schedule a special election on the amended ordinance on the earliest date permitted under Minnesota law. If the majority of those voting on the ordinance, vote in its favor, it shall become effective thirty (30) days after its adoption unless the ordinance specifies a later effective date.
(Ord. 77, Seventh Series, eff. 1-26-19)

SEC. 6.08. INITIATIVE BALLOTS. The ballots used when voting upon any such proposed ordinance shall state the substance of the ordinance and shall give the voters the opportunity to vote either "yes" or "no" on the question of adoption. The complete text of the ordinance shall be posted and available for public viewing at all polling places. If a majority of the registered voters voting on any such ordinance vote in favor of it, it shall thereupon become an ordinance of the City. Any number of proposed ordinances may be voted upon at the same election but the voter shall be allowed to vote for or against each separately. In case of inconsistency between two initiated ordinances approved at one election, the one approved by the higher percentage of registered voters voting on the question shall prevail to the extent of the inconsistency.

SEC. 6.09. INITIATION OF CHARTER AMENDMENTS. Nothing in this Charter shall be construed as in any way affecting the right of the registered voters under the Constitution and statutes of Minnesota to propose amendments to this Charter.

Section 48. RECALL ELECTION.

If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time.

Section 49. PROCEDURE AT RECALL ELECTION.

In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than five hundred words, the answer of the officer concerned in justification of his/her course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Section 50. FORM OF RECALL BALLOT.

Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?", the name of the officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "Yes" or "No" upon the question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not himself/herself be a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, he/she shall be thereby removed from office, and in that event the candidate who receives the highest number of votes for his/her place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as may be, as the form in use at a regular municipal election.

Section 5.16. Recall Election.

If the petition or amended petition is found sufficient, the city administrator shall transmit it to the council without delay, and shall notify in writing the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by resolution, provide for the holding of a special recall election not less than thirty (30) nor more than forty five (45) days after such meeting, but if any other election is to occur within sixty (60) days after such meeting the council may in its discretion provide for the holding of the recall election at that time.

Section 5.17. Procedure At Recall Election.

The city administrator shall include with the published and posted 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 justifications of his course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Section 5.18. Form Of Recall Ballot.

Unless the officer whose removal is sought resigns within ten (10) days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall be recalled?" the name of the officer whose recall is sought being inserted in the blank, and the electors shall be permitted to vote separately "yes" or "no" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of if recalled"; but the officer whose recall is sought shall not himself be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and the candidate who received the highest number of votes for his place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten (10) days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular municipal election.

Section 5.19. Recall Of Aldermen, Election By Wards.

When the officer sought to be recalled is a ward alderman, only registered voters who are residents in his ward shall be eligible to sign the recall petition and vote at the recall election and the required number be at least ten percent (10%) of the total number of voters registered in the ward on the date of the preceding regular municipal election.

Referendum

Section 6.08 Initiation of Measures

Any five registered voters may form themselves into a committee for the purpose of bringing about a referendum on any ordinance adopted by the Council, except as provided in Section 6.01.

Section 6.09 Form of Petition and Signature Papers

The petition for any referendum shall consist of the ordinance sought to be repealed, setting the same out in full, indicating the date of adoption and the date of publication, if the same has been published, together with all the signature papers and notarized affidavits thereto attached. Such petition shall not be complete unless signed by at least 10 percent of the total number of registered voters in the last general election. The petition for the referendum on an ordinance shall be in a form prescribed by and available from the clerical officer.

Each circulator of signature papers shall attach a notarized affidavit to the signature papers upon time of filing; this affidavit shall certify to the authenticity of the petition signatures and shall also certify that each signature paper had attached to it, when circulated, a copy of the ordinance in question. Circulators of signature papers need not be committee members.

Section 6.10 Filing of Petition

If prior to the date when an ordinance takes effect a petition signed by at least 10 percent of the registered voters of the City from the last general election is filed with the clerical officer requesting that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into effect. The Council shall thereupon reconsider the ordinance at its next regular meeting and by roll-call vote either repeal it or re-affirm its adherence to the ordinance as passed. In the latter case, the Council shall immediately order a special election to be held thereon or submit the ordinance at the next general election, pending which the ordinance shall remain suspended.

Section 6.11 Referendum Ballots

The ballots used when voting upon any such referred ordinance shall be written by the Council, clearly and succinctly stating the essentials of the question, and be published two weeks before the election in the official newspaper of the municipality. The ballot shall state the substance of the ordinance and give the voters the opportunity to vote either "yes" or "no" on the question of repeal. If a majority of the voters vote in favor of repeal, the ordinance shall not take effect. If, however, the majority votes against repeal, the ordinance shall take effect immediately or on the date therein specified.

Recall

Section 6.12 The Recall

Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any elected Council Member or Mayor of the City for malfeasance or nonfeasance in office. In the case of the Mayor and Council Member At Large, the committee may be composed of registered voters from any ward of the City. In the case of all other Council Members the committee shall consist of registered voters from the ward or wards in which said Council Member is elected. The committee shall certify to the clerical officer the name of the officer whose removal is sought, a statement of the grounds for removal in not

more than 250 words, and their intention to bring about this recall. A copy of this certification shall be attached to each signature paper, and no signature paper shall be put into circulation previous to such certification.

Section 6.13 Recall Petitions

The petition for the recall of any official shall consist of a certificate identical with that filed with the clerical officer together with all the signature papers and affidavits thereto attached. The recall petition shall be in a form prescribed by and available from the clerical officer.

Section 6.14 Filing of Petition

Within 30 days after the filing of the original certificate, the committee shall file the completed petition in the office of the clerical officer. The clerical officer shall examine the petition within 5 days and, if he/she finds it irregular in any way or finds, in the case of Council Members elected by ward or wards, that petitioners are not registered in the ward or wards said Council Member is elected from, or finds that the number of signers is less than 20 percent of the registered voters of the City or of the ward or wards said Council Member is elected from, he/she shall so notify the committee.

The committee shall then be given 10 days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. If at the end of that time the clerical officer finds the petition still insufficient or irregular, he/she shall notify the committee to that effect and shall file the petition in his/her office. No further action shall be taken thereon. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 6.15 Recall Election

If the petition or amended petition is found sufficient, the clerical officer shall transmit it to the Council without delay and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall, at its next meeting, by resolution provide for filing dates and other provisions necessary for the holding of a special recall election not less than 45 nor more than 60 days after such meeting, but if any other election is to occur within 90 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Section 6.16 Procedure at Recall Election

The clerical officer shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his/her course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted as far as possible in accordance with the usual procedure in municipal elections.

Section 6.17 Recall Ballot

Unless the officer whose removal is sought resigns within 10 days after the receipt by the Council of the completed recall petition, the recall ballot shall contain two separate questions. The first question shall be a "yes" or "no" question on the recall of the elected officer. The second question shall be an alternative question containing the names of the candidates to fill the vacancy in the event the recall is successful. If a majority voting on the question of recall vote in favor, the officer shall be immediately removed from office upon certification of the

election results and the candidate receiving a majority of the votes for filling the vacancy shall be elected to fill said vacancy. In the event no candidate receives a majority of votes, the top two vote getters shall be nominated to a "run-off" election to be conducted within 45 days of certification of such results. The "run-off" election may be held in conjunction with a regular municipal election provided one is scheduled to occur no less than 45 days nor more than 60 days after said results are certified. In the event the officer resigns within 10 days after the receipt by the Council of the completed recall petition, the vacancy shall be handled in the manner provided for in this Charter irrespective of any recall activities which were initiated prior to said vacancy occurring.

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.

(Amended, Bill No. 2013-7)

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.

(Amended, Bill 1982-20; Bill No. 2013-7)

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.

(Amended, Bill No. 2013-7)

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.

(Amended, Bill No. 2013-7)

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.

(Amended, Bill 1992-10; Bill No. 2013-7)

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.

(Amended, Bill 1992-10; Bill No. 2013-7)

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.

(Amended, Bill 1992-10)

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, Bill No. 2013-7)

Section 5.13. Recall. The recall is governed by Sections 5.13 through 5.17. Any five eligible voters within the city may form themselves into a committee for the purpose of bringing about the recall of any officer elected by the entire City. Any five eligible voters within a section or ward may form themselves into a committee for the purpose of bringing about the recall of any officer elected from their respective section or ward. Such committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal of not more than 250 words, and their intention to bring about this recall. 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.

Section 5.14. 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, but the circulator of every 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 paper 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 eligible voters:

Name	Address
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

The undersigned eligible voters, understanding the nature of the charges against the officer sought to be recalled, and residing in the city, section, or ward (whichever is applicable) from which the officer was elected, desire the holding of a recall election for that purpose.

Signature	Name (printed)	Address
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

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

Section 5.15. Filing Of Petition. Within thirty 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 petition within the next five days, and if the city clerk finds it irregular in any way, or finds that the number of signers is less than twenty-five per cent of the total number of registered voters in the city at the time of the regular municipal election immediately prior to the filing of said petition, the city clerk shall notify one or more members of the committee. The committee shall then be given ten days in which to file additional signature papers and to correct the petition in all other respects, but they 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 city clerk shall notify all the members of the committee to that effect and shall file the petition in the clerk's office. No further action shall be taken thereon.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 5.16. Recall Election. If the petition or amended petition is found sufficient, the city clerk shall transmit it to the council without delay, and also shall officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by resolution, provide for the holding of a

special recall election to conform as nearly as possible to that prescribed for other municipal elections. The clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of the officer's course in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way.

Charter Amendment No. 18, Ordinance No. 89-11, adopted unanimously by the City Council August 8, 1989.

Section 5.17. Form Of Recall Ballot. Unless the officer whose removal is sought resigns within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall _____ be recalled?," the name of the officer whose recall is sought being inserted in the blank, and the qualified electors shall be permitted to vote separately "yes" or "no" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of _____ if recalled;" but officer whose recall is sought shall not be a candidate upon such ballot. If a majority of those voting on the question of recall vote in favor of recall, the official shall be thereby removed from office, and the candidate who receives the highest number of votes for the officer's place shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled resigns within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same, as nearly as possible, as the form in use at a regular municipal election.

Charter Amendment No. 20, Ordinance No. 90-05, adopted unanimously by the City Council May 15, 1990.

Charter Amendment No. 40, Ordinance No. 21-05, adopted unanimously by the City Council July 6, 2021.

Sec. 8.07. - Recall.

Any person holding an elective office, other than an office created by special law, may be removed by recall. The petition shall state at the head of each page a demand for the removal of the officer, the office held, and a brief description of the grounds for recall.

(Ord. No. 17665, § 6, 6-29-89)

Sec. 8.07.1.

If the council finds a recall petition to be sufficient, it shall notify the officer involved and announce the same at its next meeting. Any officer so named may resign within five (5) calendar days after being notified as to the sufficiency of the petition. If the officer does not resign, a recall election shall be held.

(Ord. No. 17665, § 6, 6-29-89)

Sec. 8.07.2.

Within ten (10) days after the council has found the petition to be sufficient, it shall order a special election to be held within sixty (60) days to determine whether the officer shall be removed. If a majority of those voting on the question shall vote in favor of removal, the office shall be deemed vacant and filled as provided in this Charter.

(Ord. No. 17665, § 6, 6-29-89)

Sec. 8.07.3.

If any election is to be held within ninety (90) days and not less than thirty (30) days after filing of the petition, the council shall postpone the recall election until that time.

Sec. 8.07.4.

No recall petition shall be filed against any officer during the first or the last six (6) months of the officer's term.

(Ord. No. 17665, § 6, 6-29-89)

Sec. 8.07.5.

In the published notice of any recall election there shall be printed in not more than two hundred (200) words the grounds for recall stated in the petition, and the officer sought to be recalled may respond in not more than two hundred (200) words.

Sec. 5.13. The recall.

Any five or more electors residing within the ward from which the Council Member is sought to be recalled or the entire City in the case of a recall petition affecting the Mayor 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 Manager the name of the officer whose removal is sought, a statement of the grounds for removal in not more than 250 words, and their intention to bring about his/her recall. 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.

Sec. 5.14. Recall petitions.

The petition for the recall of any official shall consist of a certificate identical with that filed with the City Manager together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulators of every 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 paper shall be in substantially the following form:

Recall petition

proposing the recall of _____ from his/her office as _____ which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors:

Written Name Printed Name Address

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

The undersigned electors, understanding the nature of the charges against the officer herein sought to be recalled, desire the holding of a recall election for that purpose.

Written Name Printed Name Address

- 1. _____
- 2. _____
- 3. _____

At the end of this list of signatures shall be appended the affidavit of the circulator.

Sec. 5.15. Filing of Recall Petition.

All the original signature papers shall be filed in the office of the City Manager as one instrument. Photocopies of signature papers will not be accepted or be valid. Within ten (10) days after the filing of the petition, the City Manager shall ascertain by examination the number of electors whose signatures are appended thereto and whether this number is at least ten (10%) percent of the number of electors who cast their votes at the preceding regular municipal elections for the office sought to be removed. These signatures represent electors residing within the ward from which the Council Member is sought to be recalled or the entire City in the case of a recall petition affecting the Mayor. Each signature must be legible, contain the full name of the person and have a complete address. A signature purporting to be on behalf of more than one person (i.e. Mr. & Mrs. _____) shall be invalid and shall not be counted. A signature omitting any required information or bearing illegible information shall be deemed invalid and shall not be counted. At the time a signature is placed on a petition, the circulator must print the name of the person signing the petition next to the signature to assist in identifying the signer. If the City Manager finds the petition insufficient or irregular he/she shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for his/her finding. The committee shall then be given thirty (30) 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 petition is still found to be insufficient or irregular, the Manager shall file it in his/her office and shall notify each member of the committee of that fact. No further action shall be taken thereon.

Sec. 5.16. Recall election.

If the petition or amended petition is found sufficient, the City Manager shall transmit it to the Council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next meeting, by resolution, provide for the holding of a special recall election not less than 30 nor more than 45 days after such meeting, but if any other election is to occur within 60 days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.

Sec. 5.17. Procedure at recall election.

The Manager 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 words, the answer of the officer concerned in justification of his/her course in office. Those eligible to vote shall be those electors residing within the ward from which the recall election is being held in the case of a recall for a Council Member and the entire City in the case of a recall election for the position of Mayor.

Sec. 5.18. Form of recall ballot.

Unless the officer whose removal is sought resigns within ten days after the receipt by the Council of the completed recall petition a recall election shall be held. The form of the ballot at such election shall be:

“Shall _____ be recalled?,” the name of the officer whose recall is sought being inserted in the blank, and the electors shall be permitted to vote separately “yes” or “no” upon this question.

Petition Requirements

Section 11. The petition shall be in the form designated as Appendix B to this charter, and shall include the following information for each person signing:

1. signature
2. printed name
3. current address

All signatures need not be on the same sheet of paper but at least one of the circulators of each sheet must make an oath before an officer competent to administer oaths, such as a notary public, that the statements made are true and that each signature on the sheet is the genuine signature of the person it purports to be.

Referendum Procedures

Section 12 The requirements enunciated in Section 4 through Section 9, shall apply to the referendum process, as far as possible, with such minor changes as may be necessary.

The Meaning of Recall

Section 13. The holder of any elective office may be removed at any time by the citizens qualified to vote for a successor of such incumbent in accordance with the following procedures, except that, no recall petition shall be filed against any officer until the officer has held office for at least six (6) months. This is the power of recall.

Recall

Section 14. One or more qualified voters, who are constituents of the officer whose recall is proposed shall certify to the city administrator the name of the officer whose removal is sought; shall include allegations of malfeasance or non-feasance in a statement of the grounds for removal, in not more than five hundred (500) words; and shall present a petition signed by a number of qualified voters equal to 20% of the registered voters registered as of the day of last general election for said officer's constituency. A qualified voter does not have to be a registered voter but must be eligible to be registered as a voter in the city and must be a constituent of the officer whose recall is proposed.

Petition Requirements

Section 15. The petition shall be in the form designated as Appendix C, to this charter, and shall include the signature, printed name, and current address for each person signing. A copy of the certificate, identical to that submitted to the city administrator shall be attached to each petition and no signatures shall be collected prior to attachment of said certificate.

All signatures need not be on same sheet of paper but at least one of the circulators of each sheet must make an oath before an officer competent to administer oaths, such as a notary public, that the

statements made are true and that each signature on the sheet is the genuine signature of the person it purports to be.

Processing of Petitions

Within 10 business days of receiving a petition including the necessary number of signatures, the city administrator shall determine if the petitions are sufficient by verifying names and addresses of the signers, verifying the oaths of circulators, and verifying that the requisite number of names are listed. The city administrator shall then certify the petitions.

If the petitions are certified to be insufficient, the voters shall have 10 business days to amend from the date the petitions are certified by the city administrator. The conditions of sufficiency are in the first paragraph of this section, and include the names and addresses of the signers, the verified oaths of the circulators and the requisite number of names. The city administrator then has an additional 10 business days to certify the amended petitions. The voters may attempt to amend the petitions twice without prejudice. If unable to amend the petitions, the voters must start the process anew.

If the petitions are sufficient, the city administrator shall submit the proposed ordinance to the council without delay at the next regularly scheduled council meeting at which the council is authorized to take action. If the officer sought to be removed does not resign within five (5) business days, the council shall set a date for a recall election.

Election Requirements

Section 17. If a general election is within ninety (90) calendar days, the council shall submit the recall to the voters at that next general election. If there is not a general election within ninety (90) calendar days, the council shall order a special election to be held within statutory time limits of special election laws and not more than 60 calendar days after the date of final action by the council. Not more than one special election for a recall petition may be held in any period of six months.

Election Call Requirements

Section 18. 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 certificate attached to the petition. The call shall also set forth, in not more than five hundred (500) words, a statement of the officer sought to be removed explaining his or her position on the grounds for recall.

Ballot Requirements

Section 19. The ballot used when voting upon in such election shall state, "Shall (name of elected official) be recalled?" with voters allowed to vote yes or no.

Publishing Requirements

Section 20. The city administrator shall publish notice of the time and place of said election by publishing the election call, including the title of the office of the recalled officer, in the official newspaper of the city, at least 10 business days prior to the election.

Election Results

Section 21. If a majority of the qualified voters vote in favor of the recall of said officer, the officer shall be removed from office immediately. The vacancy shall be filled according to Chapter II, Section 6 of this charter.

CHAPTER X, Police Department

Organization

Section 1. There shall be maintained in the city, a police department. The Police Department shall be subject to the provisions of this charter, and all applicable ordinances, and state and federal statutes, rules and regulations.

The police department shall be administered in the same manner as other departments of the city.

The police department as here established, may not be abolished, nor may its duties, powers, or responsibilities, be transferred, assigned or given to any other agency or unit of government, without the same having been first submitted to the qualified voters of the city and adopted by a majority voting at such election on the question.

Rules-By Whom Made

Section 2. The chief of police is authorized and required to make all needful rules and regulations not inconsistent with this charter, the laws of this state, and the ordinances of this city, for the governing and control of the police department. All rules and regulations shall be put in writing.

CHAPTER XI, Fire Department

Chief of the Fire Department

Section 1. There shall be a volunteer fire department in the city of Two Harbors.

The fire department shall be administered in the same manner as other departments of the city.

Rules and Regulations

Section 2. The chief of the fire department is authorized and required to make all needful rules and regulations, not inconsistent with the laws of the state, the provisions of this charter, or the ordinances of the city, for the government and control of the fire department, and for the prevention and extinguishment of fires. All rules and

CHAPTER 5. INITIATIVE AND REFERENDUM AND RECALL

Sec. 5.13. Reserved.

Section 5.14. The Recall.

No less than 25 registered voters eligible to vote on candidates for that office may form themselves in a committee for the purpose of bringing about the recall of any Councilmember including the Mayor. If the committee seeks the recall of a ward Councilmember, the registered voters constituting the committee must be from the Councilmember's ward. The committee must certify to the City Clerk the name of the Councilmember 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 their 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 Councilmember in their 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 Councilmember's legal duty to do so.

Section 5.15. Recall Petitions.

The petition for the recall of any Councilmember 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.

	<u>Name</u>	<u>Address</u>
<u>1.</u>	_____	_____
<u>2.</u>	_____	_____
<u>3.</u>	_____	_____

[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 Blaine. 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 Councilmember herein sought to be recalled, desire the holding of a recall election for that purpose.

	<u>Date</u>	<u>Legal Signature</u>	<u>Name</u> <u>(print legibly)</u>	<u>Address</u> <u>(print legibly)</u>
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 Councilmember 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 ward Councilmember(s), the recall election must be conducted only within the ward(s) of the affected Councilmember(s). If it involves a Councilmember 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 Councilmember concerned in justification of their course in office. The election must be conducted as far as possible, in accordance with the usual procedure in municipal elections.

Section 5.19. Form of Recall Ballot.

The form of the ballot at such election shall be: "Shall _____ be recalled?" The name of the Councilmember whose recall is sought and their 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 Councilmember is recalled by the electors or resigns after a petition has been filed for their recall, the vacancy must be filled in the following manner:

If less than six (6) months remain in the Councilmember'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 Councilmember'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 Councilmember'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.

Sec. 2.05. Vacancies in the council.

A vacancy in the council shall exist in case of:

- (1) The failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council; or
- (2) The death, resignation, removal from office, removal from the city, continuous absence of any councilmember from the city for more than three (3) months; or
- (3) The failure of any councilmember without good cause to perform any of the duties of membership in the council for a period of two (2) months; or
- (4) The conviction of any such person of a crime for which a sentence of imprisonment for more than one year may be imposed, whether before or after such person's qualification.

If a vacancy on the council is for a period of more than twelve (12) months, the council shall by resolution declare the vacancy to exist and shall by resolution call for a special election as provided in this section.

If a vacancy on the council is for a period of less than twelve (12) months, the council shall by resolution declare that the vacancy exists. Within the next forty-five (45) days, the council shall by resolution appoint an eligible person to the existing vacancy. The appointee shall serve until January 1 following the next regular municipal election, or until their successor is elected and qualified. At the next regular municipal election, the office will be filled for the unexpired term.

The council may by resolution waive its right to appoint to fill a vacancy and may call a special election to be held as soon as legally permissible. If a vacancy on the council is not filled by appointment within the forty-five (45) days following the declaration of the vacancy, the council shall call a special election as provided in this section.

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.