



City of Blaine

Charter Commission

October 10, 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. Approval of Minutes**
 - 3.1. 2023-477** Minutes
Sponsors:
- 4. Open Forum for Citizen Input**
- 5. New Business**
- 6. Old Business**
 - 6.1. 2023-429** Councilmember Recall Process
Sponsors: Cathy Sorensen, City Clerk
- 7. Adjournment**

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

Tuesday, September 12, 2023

5:00 PM
Community Room
10801 Town Square Drive NE

1. Call To Order/Roll Call

The meeting was called to order at 5:25 PM.

Present: Chair Jeffrey Lester, Commissioners Ken Anderson, Ayman Khan, Jason Halpern, Terri Homan, Dick Swanson, Arman Tagarro

Absent: Commissioners Stephen Berk, Alan Goracke, Jason Hartmann

Also Present: City Clerk/Staff Liaison Cathy Sorensen

Quorum present.

2. Approval Of Minutes – August 8, 2023

Moved by Commissioner Homan, seconded by Commissioner Anderson, that the minutes of August 8, 2023, be approved.

Motion approved unanimously.

3. Old Business

3.1 Council Salary Review/Recommendation Process

City Clerk/Staff Liaison Cathy Sorensen shared as directed by council the charter commission has been asked to annually review mayor and council salary data from comparable/surrounding cities and make any recommendations on possible adjustments for council consideration. She noted if any adjustments were recommended, they would be presented to council and if concurred an ordinance amendment would be processed that would place any new salary in effect after the next municipal election. She presented an updated salary survey that included population and annual general budget for the commission's information and asked for input.

The commission discussed the difficulty comparing Blaine to other cities as there are differing factors in each city such as the number of employees, enterprise funds, service levels and existence of public amenities such as community centers, etc. The commission noted the many complex projects and developments in Blaine such as TH65, Northtown, and the 105th Avenue redevelopment area, and that

any increase ultimately decided upon should include escalators as the increases take effect a year after approval. They agreed the consumer price index (CPI) could be a good measure to use to provide an “up to” salary range recommendation that equated to approximately 1% per year since the last increase in 2015 then use the annual cost of living increase (COLA) given to employees going forward for consistency and adding language for salary review in the odd year, similar to Anoka.

Moved by Commissioner Anderson, seconded by Commissioner Homan, to recommend annual salaries for mayor be increased up to \$18,315.03 and councilmembers up to \$13,461.54 and amend Sec. 2.07 Salaries of the city charter as follows:

Sec. 2.07. Salaries.

The monthly salary of each of the councilmembers and the mayor shall be established by ordinance. Review of salaries shall be conducted in June of every odd numbered year and recommendations for adjustments, if any, be based on the annual cost of living adjustments consistent with adjustments provided to staff. The mayor and councilmembers, in addition to the above salaries, shall be paid a reasonable sum for each day and their reasonable expenses incurred while traveling outside the city on the city's business.

Motion approved 6-1, Commissioner Tagarro voted nay.

3.2 Consider Potential Ward Structure Changes

Ms. Sorensen shared that as part of the 2022 redistricting process council was supportive of the commission's recommendation to review potential amendments that would allow for the possibility of future ward restructuring as the city reaches full development. She reiterated the commission's reasons for possible restructuring that included five or six smaller wards that could potentially provide more neighborhood-based representation as opposed to the current three-ward structure then outlined factors staff used to determine both wards and precincts that included census population, projected population growth, registered voters and estimated voters, wards bounded by precinct lines, compact in area, and composed of contiguous territory, wards equal in population as practicable within the required 5% population threshold, and polling place management. Ms. Sorensen presented draft language for the commission's review and input.

The commission discussed various possibilities to redraw wards, which included creation of five or six smaller wards with a councilmember at large. Ms. Sorensen noted the proposed language would not actually establish new or additional wards but provide a mechanism to review and make recommendations for the possibility of new or additional wards. After discussion, the commission supported creating a mechanism that would allow review of ward boundaries, including the potential change to the number of boundaries, and supported the city being proactive in this manner.

Moved by Commissioner Halpern, seconded by Commissioner Tagarro, to recommend the following amendment to Sec. 2.03(a) of the city charter, adding Sec. 2.03(b):

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.

Sec. 2.03(b). Redetermination of Ward Boundaries.

Pursuant to City Charter Sec. 2.03(a). - Wards, the city council shall redetermine appropriate ward boundaries in years between the taking of a Federal decennial census whenever the city 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 city council, in making its findings as to populations, 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(s) 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 city council determines changes to the number of council election wards should be changed in addition to ward boundaries, the city council shall direct the charter commission to review said findings for recommendation for any appropriate city charter amendments Pursuant to City Charter Sec. 2.03(a). - Wards.

Motion approved unanimously.

3.3 Councilmember Recall Process

Clerk Sorensen stated council has directed the commission to consider charter language that would provide for a recall process for an elected councilmember. She shared proposed amendments based on discussion on input from the commission at last month's meeting and said this topic would be included on next month's agenda for finalization and hopefully formal recommendation.

4. New Business

None.

5. Other Business

None.

6. Set Next Meeting Date

The next meeting will be held October 10, 2023, at 6:00 PM.

7. Adjournment

Moved by Commissioner Halpern, seconded by Commissioner Homan, to adjourn. Motion approved unanimously. The meeting was adjourned at 6:51 PM.

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

CHAPTER 5. INITIATIVE AND REFERENDUM AND RECALL

Sec. 5.13. Reserved.

Section 5.14. The Recall.

No less than twenty-five (25) registered voters eligible to vote on candidates for that office may form themselves into a committee for the purpose of bringing about the recall of any member of council, which is comprised of a mayor and six (6) councilmembers, as outlined in Sec. 2.03, - Elective Offices, or as amended from time to time. If the committee seeks the recall of a ward councilmember, the registered voters constituting the committee must be from that 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 two hundred and fifty (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 registered voter eligible to vote on candidates for that office. 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.

Committee

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

	<u>Legal Signature</u>	<u>Name</u> <u>(print legibly)</u>	<u>Address</u> <u>(print legibly)</u>

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 Blaine and corresponding ward if the subject of the recall petition is not at large. 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. Pursuant to Section 5.16, twenty-five (25) percent of the total number of registered voters eligible to vote on candidates for that office at the last preceding regular municipal election is required to be deemed a sufficient petition, which is _____ signatures.

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 thirty (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 city clerk finds it irregular in any way, or finds that the number of signers is less than twenty-five (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 city 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 as allowed by statute and election law, as amended from time to time. If the special recall election involves one (1) or more ward councilmembers, the recall election must be conducted only within the wards of the affected councilmembers. If it involves a councilmember who is elected at large, the election must be a citywide 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 five hundred (500) words, the response of the councilmember concerned in justification of their course in office. The election must be conducted in accordance with statute and election law, as amended from time to time.

Section 5.19. Form of Recall Ballot.

The form of the ballot at such election shall be: "Shall _____ be recalled and thereby removed from office?" The name of the councilmember whose recall is sought and their office shall be inserted in the blank. The voters 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, effective as allowed by statute and election law, as amended from time to time.

Section 5.20. Procedure to Fill Vacancy.

In the event that a councilmember is recalled by the voters or resigns after a petition has been filed for their recall, the vacancy must be filled pursuant to Sec. 20.5 – Vacancies in the council.

Section 5.21. Term.

The term of the candidate selected by the voters at the special election to fill the unexpired term shall start as soon as the certified results have been canvassed by the council and filed with the city clerk and the person has been duly qualified for office.

Section 5.22. Offenses; penalty.

It is unlawful for a person to:

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- a. Sign a name other than that person's own name to an initiative, referendum, or recall petition;
 - b. Circulate an initiative, referendum, or recall 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 they are 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 above.