

**LINO LAKES CHARTER COMMISSION
SPECIAL MEETING
AGENDA
6:30 PM
Thursday, February 23, 2017**

- 1. Call to Order and Roll Call 6:30 PM**
- 2. Pledge of Allegiance**
- 3. Setting the Agenda**
- 4. Open Mike / Public Comments**
- 5. Old Business**
Approval of January 12, 2017 minutes
- 6. New Business**
 - A. Ward Amendment**
 - B. Attorney for Charter**
 - C. Report on City Attorney Attending Charter meeting**

Next meeting date to be determined 2017

**Caroline Dahl
Chair**

**Pat Devaney
Vice Chair**

**Chris Bretoi
Secretary**

DRAFT
CITY OF LINO LAKES
CHARTER COMMISSION

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7 **DATE** January 12, 2017
8 **TIME STARTED** 6:34 p.m.
9 **TIME ENDED** 8:14 p.m.
10 **MEMBERS PRESENT** Aldentaler, Bretoi, Dahl, Damiani, Devaney, Juni,
11 Stanek, Stranik, and Turcotte (arrived at 6:52 p.m.)
12 **MEMBERS EXCUSED** Combs, Johnson, Lyden, Poehling, Storberg, and
13 Vanderpoel
14 **MEMBERS UNEXCUSED** None
15 **STAFF MEMBERS PRESENT** None
16 **OTHERS PRESENT:** None
17
18

19 **CALL TO ORDER AND ROLL CALL**

20 Chair Dahl reconvened the meeting of the Lino Lakes Charter Commission at 6:34 pm on
21 Thursday, January 12, 2017.
22

23 **PLEDGE OF ALLEGIANCE**

24 Chair Dahl lead the Pledge of Allegiance.
25

26 **SETTING THE AGENDA**

27 Agenda was accepted as presented without additions
28

29 **OPEN MIC/PUBLIC COMMENT**

30 No one present opted to speak for the open mike.
31

32 **APPROVAL OF MEETING MINUTES**

33 Commissioner Bretoi referenced the highlighted spots in lines 213 and 237.
34

35 Chair Dahl noted that she would verify with the City Clerk to obtain the correct resolution
36 numbers.
37

38 **MOTION** by Commissioner Stranik, seconded by Commissioner Juni, approving the meeting
39 minutes of April 28, 2016 as noted.
40

41 Motion passed unanimously.
42

43 **MOTION** by Commissioner Bretoi, seconded by Commissioner Stanek, approving the meeting
44 minutes of May 19, 2016.
45

46 Motion passed unanimously.

47

48 **NEW BUSINESS**

49

50 **A. Discussion on Acquiring an Attorney for the Charter Commission**

51 Chair Dahl stated that she received some leads on possible legal representation. She stated that
52 perhaps a Subcommittee be formed to find potential legal representation, noting that she would
53 volunteer to be a part of the Subcommittee to vet potential legal representatives. She stated that
54 she would also like to attempt to receive an increase in the available funds for the Charter
55 Commission budget.

56

57 Commissioner Juni asked and received clarification that the desire for an attorney is simply to
58 have them available when needed and not to attend the meetings on a regular basis.

59

60 Commissioner Stranik asked why the Commission would require an attorney outside of the City
61 Attorney.

62

63 Chair Dahl stated that while the Charter Commission can use the City Attorney, the City
64 Attorney is contracted through the City Council and therefore works for the City Council. She
65 noted that when the Charter Commission attempted to utilize the City Attorney it was stated that
66 it would be a conflict of interest.

67

68 Commissioner Bretoi agreed and noted that there have been multiple times when the Charter
69 Commission has drafted language to be included on the ballot and the City Attorney rejects the
70 language stating that it is not legal but will not provide clarification on the language that would
71 be needed.

72

73 Vice-Chair Devaney agreed with Commissioner Bretoi's comments noting that the Charter
74 Commission only seemed to make progress when they hired their own legal representation. He
75 stated that he would also support requesting additional funds. He noted that there are two
76 students present at the meeting for a government history class and provided background
77 information to make the discussion clearer for them. He asked what occurred with the last
78 attorney.

79

80 It was noted that the Commission attorney simply ceased communications and Chair Dahl
81 confirmed that the attorney was paid.

82

83 Vice-Chair Devaney stated that when the Commission did have their own attorney, the City
84 Attorney did respond with his suggested corrections that the attorney for the Commission stated
85 that he agreed with. It was noted that the Commission attorney did not draft the amended
86 language.

87

88 Commissioner Bretoi noted that the changes discussed included an agreement that the City could
89 define the word boundaries but advised that the Commission also wanted to include language
90 that would prohibit the Council for acting in a self-serving manner.

91
92 Vice-Chair Devaney stated that the Secretary of State would dictate how the boundaries would be
93 laid out which would resolve the potential concern.

94
95 Commissioner Stranik stated that the Commission is probably close with the potential language
96 and asked if the Commission could ask the City Attorney to attend an upcoming meeting to
97 provide input and direction and therefore the Commission could gain expertise without incurring
98 expense.

99
100 Commissioner Bretoi stated that he also supports that idea. He stated that he would be willing to
101 ask the City Attorney to attend a meeting once again.

102
103 Vice-Chair Devaney reminded the Commission that they should stay focused on the timeline to
104 ensure that they do not fall short for the next possible opportunity to appear on the ballot this
105 year.

106
107 Commissioner Turcotte arrived.

108
109 Commissioner Juni asked for clarification on the timeline for the ballot language. It was noted
110 that the language should be prepared and ready by July 1st. He stated that he would also support
111 inviting the City Attorney to attend the next meeting to determine how close the language is to
112 being ballot ready.

113
114 Commissioner Bretoi asked and was provided clarification on the election schedule for the next
115 few years.

116
117 Commissioner Juni suggested contacting a State representative to gain input on the process to
118 request additional funding for the Charter Commission.

119
120 Commissioner Bretoi agreed that would be a good idea as it would help to have an advocate to
121 bring it forward and that could be gained by reaching out to local representatives.

122
123 Commissioner Juni volunteered to contact two of the local state representatives.

124
125 Chair Dahl confirmed that she would provide Commissioner Juni with the specific state statutes.

126
127 Vice-Chair Devaney stated that perhaps it could be as simple as requesting an increase in the
128 budget, noting that there have been two new Councilmembers appointed and perhaps the two
129 lines could run parallel.

130
131 Commissioner Bretoi stated that has been done in the past but agreed that it would be good to
132 attempt to go through the Council once again.

133
134 Commissioner Stranik stated that the Council may have viewed past requests for additional funds
135 for legal representation as adversarial and therefore would not be as likely to approve the request.

136 He stated that the Commission could make it clear that they would like to work together with the
137 Council.

138

139 MOTION by Commissioner Stranik, seconded by Commissioner Bretoi, to contact the City to
140 invite the City Attorney to attend a Charter Commission meeting to provide input on the
141 potential ward amendment.

142

143 Further discussion: Commissioner Turcotte asked how the Commission would even work on
144 potential language changes without their own attorney.

145

146 Vice-Chair Devaney stated that the purpose is to invite the City Attorney to provide clarification
147 on what he feels would be necessary to complete the draft ballot language.

148

149 Commissioner Bretoi agreed that it should be clarified that the Commission would like to bring
150 on an attorney to work together with the City Attorney on behalf of the Commission. He agreed
151 that it would be helpful for the Commission to have their own attorney attend a meeting that will
152 be attended by the City Attorney.

153

154 Commissioner Turcotte stated that the City Attorney originally had three issues with the
155 originally drafted language and believed that the Commission should have simply addressed
156 those items and resubmitted.

157

158 Commissioner Bretoi reviewed the steps that would be necessary and the recommended order in
159 which they should occur in order to draft the potential ballot language and in attempt to gain
160 additional budget funds.

161

162 Commissioner Stranik stated that dealing in reality, \$1,500 would not get much legal advice and
163 therefore suggested having the City Attorney attend to provide his input prior to engaging an
164 attorney, or in parallel, in attempt to save on legal funds.

165

166 MOTION by Commissioner Stranik, seconded by Commissioner Bretoi, to call the question.

167

168 Motion passed unanimously. (Turcotte abstained)

169

170 Motion passed with a vote of 8-1 (Turcotte opposed).

171

172 Commissioner Bretoi asked if the Commission would like to schedule a special meeting. He
173 noted that it is important to know if the Commission would like to attempt to get language on the
174 ballot in 2017 or 2018, as that will help to identify the appropriate timeline.

175

176 Vice-Chair Devaney suggested that the Commission just attempt to finish this, noting that if the
177 Commission is not able to meet the deadline for 2017 it would then be ready for 2018. He
178 suggested putting dates on the items identified on the timeline.

179

180 Commissioner Stranik stated that he would be willing to contact the City Attorney.

181
182 Chair Dahl, Vice-Chair Devaney, and Commissioner Damiani volunteered to attempt to recruit
183 an attorney for the Charter Commission before the end of February.
184
185 Commissioner Juni confirmed that he would reach out to the state representatives before the end
186 of February. He stated that he will also reach out to an attorney friend of his to gather info on
187 how the Commission could identify potential legal representation.
188
189 Commissioner Turcotte stated that the Commission could also reach out to other Charter
190 Commissions to determine how they were able to find an attorney.
191
192 Vice-Chair Devaney suggested contacting rural Charter Commissions as they would be working
193 with a low budget as well. He identified potential deadlines for the actions of the Commission,
194 specifically regarding obtaining legal representation, meeting with the City Attorney, reaching
195 out to local state representatives and submitting a letter to the City requesting additional funds.
196
197 Commissioner Juni suggested that the Commission review the communication dated May 18,
198 2016 from the City Attorney regarding the potential ward amendments as well as the response
199 provided by the attorney that previously worked for the Charter Commission in order to be
200 prepared for the meeting when the City Attorney attends. He noted that would be the starting
201 point for the Commission as that was the last legal input the Commission received.
202
203 Commissioner Turcotte stated that the potential ballot language does not match the original
204 ballot language that was drafted in 2014. He believed the most recent draft language was created
205 by the City Attorney.
206
207 Commissioner Bretoi provided background information noting that the draft ward amendment in
208 2016 was written by the Commission attorney.
209
210 Vice-Chair Devaney stated that the Commission in 2016 voted and moved forward an
211 amendment separate from the 2014 ward amendment.
212
213 Commissioner Bretoi noted this is why it is important that the Commission have an attorney.
214
215 Vice-Chair Devaney noted that the Commission has not met since May and could have continued
216 to meet in order to work on some of this rather than waiting until January.
217
218 Chair Dahl asked Commissioner Turcotte to find the original ward language that he drafted in
219 2014.
220
221 Vice-Chair Devaney stated that there were letters from Carlson enclosed in the April 28, 2016
222 minutes that show the original language from 2014.
223
224 Commissioner Stranik stated that perhaps the Commission should also propose an amendment to
225 move the City elections to even years, where there is higher voter turnout for state officials.

226
227 Commissioner Bretoi noted that the Commission should continue to work on the ward
228 amendment, regardless of whether the item moves forward to the ballot in 2017 or 2018.
229

230 Chair Dahl confirmed that she, Vice-Chair Devaney, and Commissioners Damiani and Stanek
231 will attempt to find candidates for legal representation for the Commission. She confirmed that
232 Commissioner Juni will reach out to the local state representatives in attempt to raise the
233 minimum funding for Charter Commissions. She confirmed that Commissioner Stranik would
234 contact the City Attorney to request he attend the April meeting.
235

236 **NEXT MEETING DATE**

237 Chair Dahl noted the next meeting date is Thursday, April 13, 2017.
238

239 The Commission discussed possible dates for a special meeting in February or March. It was the
240 consensus of the Commission to hold a special meeting on February 23, 2016 at 6:30 p.m.
241

242 **ADJOURN**

243
244 MOTION by Commissioner Bretoi, seconded by Commissioner Turcotte, to adjourn the meeting
245 at 8:14 p.m.
246

247 Further discussion: Commissioner Stanek asked who is going to draft the letter to the City to
248 request additional funds.
249

250 Commissioner Bretoi asked if Chair Dahl could draft a letter as Chair asking the City Council to
251 increase the budget of the Charter Commission.
252

253 Chair Dahl confirmed that she could do that. It was noted that a specific dollar amount would
254 need to be included in the request. She stated that she would develop several drafts and will
255 bring a draft back to the Charter Commission for review before submittal.
256

257 Motion carried unanimously.
258

259 Drafted by: Amanda Staple, *TimeSaver Off Site Secretarial, Inc.*

Section 2.03. Council composition and election.

Subdivision 1. The Council shall be composed of a Mayor and four (4) Council Members who shall be qualified electors in the City of Lino Lakes and who shall be elected at large. Council Members shall serve for a term of four (4) years and/or until a successor is elected and qualifies. The Mayor shall be elected at large, and shall serve for a term of two (2) years and/or until a successor is elected and qualifies.

Subdivision 2. For the purposes of electing City council members, the City shall be divided into four (4) serially numbered contiguous Council election wards. Each member of the Council shall be elected from a separate ward. Voters may only vote for a candidate for the Council ward seat within which the voters reside. Council Members must reside within the ward from which they are elected. If a Council Member moves within the City from such Council Member's elective ward, or if a Council Member is excluded from a ward as a result of districting or redistricting, such Council Member's term of office shall expire on January first, following the next regular City election.

Subdivision 3. 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.

Subdivision 4. Upon enactment of these provisions, and after every Federal decennial census, the Charter Commission, after public hearings, shall determine the council election wards (districting) in this manner described in this section. The public hearings shall be held after published notice of said hearings, and opportunity to speak shall be allowed members of the public upon such reasonable terms as the Comission shall adopt. The Commission shall adopt its districting resolution by a majority vote of its entire membership, and file it in the office of the City Clerk no later than the first Tuesday in June prior to the first City election after the Federal decennial census. The Council shall provide for a sum of money, adequate for this purpose, to be used by the Commission to hire staff to aid it in preparing its districting plan.

To: Lino Lakes Charter Commission
From: Mohrman, Kaardal & Erickson, P.A.
Date: May 19, 2016

MEMORANDUM

We have made efforts to address each of the concerns of the City Attorney regarding our proposed Charter amendment that would directly affect the Council.

In summary, the Charter amendment seeks to create four wards in the City, proportionally equal in population, and requiring the Council members to be elected from their respective ward and to reside within the boundaries of that ward. The position of the Mayor is not affected. The Mayor remains elected at large.

In our initial draft, the City Attorney had voiced certain reservations which we have addressed in our latest proposal.

First, the amendment has several subdivisions and subparts. This structure, we believe, brings clarity to each provision and is easily understandable to the average citizen. It is their Charter and clarity has been our goal.

Second, the City Attorney is concerned about the restatement of the governing Minnesota Statute (such as § 205.84, subd. 1) regarding the use of population for the creation and redistricting of wards within five percent over or under the mean (a provision not in the state statutory text). This is found in our provision regarding ward “characteristics.” Indeed, as the City Attorney suggests, there is no harm in identifying how the wards are to be created or how the redistricting will occur.

However, to just cite to the state law as the City Attorney suggests, presumes the people know the statute. Further, our proposal is different than the statutory language as we noted and provides greater guidance to the City Council. In other words, we have given clearer meaning to the state statutory phrase – “as equal in population as practicable.” Moreover, the City Attorney did state that our proposed language here is “fine.”

Third, the City Attorney was concerned about other descriptions of ward boundaries as possibly too confining for future councils when redistricting is found necessary (our old proposal under Characteristics, Subdivision 2(b)(2)). In light of the City Attorney comments, we have also modified our old proposal Subdivision 2(b)(3) suggesting that there should be minimal change to the wards when redistricting occurs. Those specifics have been eliminated, although we would caution the Council that ward boundary determinations

cannot be made based upon land use or other manipulations — the City Attorney uses as examples — that would result in the illegalities of gerrymandering.

Fourth, regarding our previous detailed policy and scheduling for redistricting met with the City Attorney's objections have been refined. It now reads that redistricting scheduling is to comply with state law.

Fifth, the City Attorney did not appreciate the repeat of penalties presently in state law against the Council and the Mayor should they fail to redistrict as required (Subdivision 2(d)). Here, we cannot agree with the City Attorney that reference to the state statute is sufficient. We believe that our elected officials must be held accountable to the people. This amendment is a reflection of that philosophy.

A ward council member, elected by the people within that ward, is a direct connection and measure of accountability for the office he or she holds. Likewise, it would be too easy for the state legislature to strike penalties from a statute for the failure of elected officials from their obligation to the people. Here, retaining this provision as part of our Charter ensures that the Council and the Mayor will be held accountable to the people through a measure an elected official easily understands — their pocketbook.

Finally, all other concerns of the City Attorney have been met through the elimination of certain sentences in our first draft proposal. This would include for instance, paragraph (e) governing the "effective date" of redistricting; the last sentence in our original proposal found in subdivision 4 governing transition periods.

If there are additional reasonable refinements, we would be open to take them under consideration.

Thank you.

Lino Lakes City Charter

CHAPTER II. FORM OF GOVERNMENT

Section 2.03. Council Composition, the Mayor, and Elections.

Subdivision 1. The Council shall be composed of a Mayor and four (4) Council Members who shall be qualified electors, ~~and who shall be elected at large.~~ Council Members shall serve for a term of four (4) years and/or until a successor is elected and qualifies.

Subdivision 2. The Mayor shall be elected at large. The Mayor shall serve for a term of two (2) years and/or until a successor is elected and qualifies.

Subdivision 3. Council Wards.

(a) Number: The City comprises four wards, designated by number.

(b) Characteristics: The wards shall be as equal in population as practicable.

(1) At the time of ward creation or redistricting, each ward must not have a population more than five percent over or under the mean ward population according to the latest decennial federal census;

(2) Each ward shall be composed of compact, contiguous territory to the extent possible except as necessary in order to put in effect the foregoing criteria.

(c) Redistricting: Redistricting shall occur in accordance with governing state law.

(d) Council Penalties for Not Taking Action: If the Council fails to take either action within the time period required, no further compensation shall be paid to the mayor or council member until the wards of the city are either reconfirmed or redefined as required under this section.

(e) Jurisdiction: The state district court has original jurisdiction over any case arising out of the redistricting of the City's wards under this Subdivision 2.

Subdivision 4. Ward Council Members.

(a) Election: Each member of the Council shall be elected from a separate ward. Voters may only vote for a candidate for the Council ward seat within which the voters reside.

(b) **Residency Requirement:** A Council Member must reside within the ward from which they are elected. If a Council Member moves within the City from the Council Member's elective ward, or if a Council Member is excluded from a ward as a result of ward creation districting or redistricting, that Council Member's term of office shall expire on January first, following the next regular City election.

Subdivision 5. **Transition Periods.** The Council may enact any necessary or prudent ordinances necessary to implement Section 2.03 to transition the City to four wards in accordance with state law.

Joseph J. Langel
Direct Phone: (612) 225-6837
Direct Fax: (612) 225-6860
jjl@ratwiklaw.com



June 7, 2016

Jeff Karlson
City of Lino Lakes
600 Town Center Parkway
Lino Lakes, MN 55014-1182

Via e-mail

RE: *Charter Amendment - Wards*
Our File No. 4021-0130

Dear Mr. Karlson:

The revised, proposed Charter amendment and accompanying memorandum from Mr. Kaardal was forwarded to me for review. Overall, I have only a couple substantive changes, which concern the term of a Council member when a ward is redistricted or the Council member moves out of his or her ward (see paragraph four below). The remaining comments are just attempts to clarify the current language.

1. The semicolon at the end of subparagraph 3(b)(1) should be a period.
2. Paragraph 3(d) refers to “either action,” which is a reference to the post-census actions the City Council must undertake (either confirm or redefine the wards). The language describing those actions was deleted in this amendment, so that reference no longer works. I suggest the following to clarify:

(d) Council Penalties for not Taking Action: If the Council fails to ~~take~~ confirm or redefine ward boundaries ~~action~~ within the time ~~period~~ required by law after official certification of the federal decennial or special census, no further compensation shall be paid to the mayor or council member until the wards of the city are either reconfirmed or redefined ~~as required under this section~~.

3. The word “seat” should be removed from Subdivision 4(a). Otherwise, it reads as if voters reside within a ward seat, instead of within a ward.
4. The words “creation districting or” should be removed from Subdivision 4(b). A council member cannot be excluded from a ward when it is first created; he or she is automatically in whatever ward in which he or she resides, so it is not clear what that language was intended to mean. In any event, how Council seats will be handled following initial implementation of the ward system will be determined by the transition ordinance.

Also, residency within a ward is a statutory requirement, *Minn. Stat. § 205.84, subd. 1(a)*. So, if a Council member moves from his or her ward, the position must then be declared vacant. *Minn. Stat. 351.02(4); Op. Atty. Gen. 63-a-11 (Oct. 24, 1974) (counsel member’s office vacated when he ceases to be an inhabitant of the ward)*. The Council member cannot remain on the Council until after the next regular election. How the vacancy is handled (appointment versus special election) depends on the timing of the vacancy and is determined by statute. *Minn. Stat. § 412.02, subd. 2a*.

Finally, if a ward is redistricted such that a Council member is no longer living within his or her ward, that Council member still serves out the remainder of his or her term. *Minn. Stat. 205.84, subd. 1(a)*. I therefore suggest the following changes to this paragraph:

(b) Residency Requirement: A Council Member must reside within the ward from which they are elected. If a Council Member moves within the City from the Council Member’s elective ward, the Council Member’s seat shall be declared vacant. ~~or if~~ If a Council Member is excluded from a ward as a result of ward ~~creation districting or~~ redistricting, that Council Member’s shall serve the remainder of his or her term of office shall expire on January first, following the next regular City election.

If you have any questions about these comments or the amendment in general, please give me a call.

Very truly yours,



Joseph J. Langel

cc: Julie Bartell, City Clerk (via e-mail)

CITY CHARTER AMENDMENTS - MN STATUTES 410.12

January 2016

Proposals to amend a charter can be made by:

- Council recommendation
- Citizen petition
- Charter Commission recommendation

Charter amendments can be approved by:

- Election
- Ordinance

For 2016 election year, proposals to amend a charter must be submitted *to the city* (see specific procedures for submitting amendments below) no later than July 12, 2016. County Auditor must be notified of title and language of all questions to be placed on the ballot according to the following schedule. Actions and approvals must be planned accordingly.

Primary Election of August 9, 2016 – Deadline no later than 5 pm, Friday, May 27, 2016

General Election of November 8, 2016 – Deadline no later than 5 pm, Friday August 26, 2016

PROCEDURE FOR AMENDMENT BY COUNCIL RECOMMENDATION:

- Council adopts ordinance proposing the amendment
- Council submits ordinance to Charter Commission for review
- Charter Commission has 60 days for review (may be extended by the commission an additional 90 days by filing a resolution determining that additional time is necessary with the City Clerk)
- Charter Commission either approves, rejects, or suggests substitute amendment
- Charter Commission notifies Council of their action
- Council may drop amendment OR adopt resolution calling for election to approve:
 - Proposed amendment as it was originally proposed OR
 - The Charter Commission's substitute amendment
- If a resolution calling for election is adopted, language of the ballot question is determined by the Council. The question must identify the amendment clearly and distinguish the question from other questions on the same ballot.

PROCEDURE FOR AMENDMENT BY CITIZEN PETITION:

- Citizens circulate petition stating the proposed amendment to the charter
 - Petitions must be uniform in character and must state the proposed amendment to the charter in full
 - If amendment is larger than 1,000 words, a true and correct copy must be filed with the City Clerk, and the petition will contain a summary (between 50 and 300 words) setting forth the "substance and nature" of the proposed amendment.
 - When a summary is used, that **summary** (along with a copy of the proposed amendment) must be first submitted to the Charter Commission for its approval as to form and substance. The commission has 10 days to return the summary with any modifications necessary to fairly comply with these requirements.
- Petition must be submitted at least 17 weeks prior to the general election and must be reviewed by the City Clerk for sufficiency.
- If determined to be sufficient, the commission must submit the petition to popular vote.
 - Amendment goes to the City Clerk, who notifies the Council.
 - Council places amendment on ballot for voter approval

- NOTE: Council may not refuse to submit or change the amendment as long as it is constitutional. A City Council does not need to submit an unconstitutional charter amendment or an amendment that violates state or federal law to the voters.
- Language of the ballot question is determined by the Council. The question must identify the amendment clearly and distinguish the question from other questions on the same ballot.

PROCEDURE FOR AMENDMENT BY CHARTER COMMISSION RECOMMENDATION:

Charter Commission Recommendation for Approval of Amendment by Ordinance:

- Charter Commission makes recommendation to Council by filing notice with City Clerk
- Within 1 month of filing notice with the City Clerk the Council must publish notice of a public hearing of the proposal
- Notice must contain the text of the proposed amendment
- Public hearing must be held between 2 weeks and 1 month after notice is published
- Council must vote on amendment within 1 month of public hearing
- Amendment approved only if Council vote is unanimous
- Ordinance amending charter published in same manner as other ordinances of the City
- Ordinance becomes effective 90 days after passage and publication, unless a later date is provided for in the ordinance
- Within 60 days after passage and publication, a petition signed by registered voters equal in number to at least 5 percent of the registered voters in the City or 2,000, whichever is less, may be submitted to force a referendum on the amendment.
- If voters file a proper petition, the City must handle the amendment like any other charter amendment, except the Council may submit the ordinance at a general or special election that occurs within 60 days after filing the petition, or it may reconsider its action in adopting the ordinance.
- If ordinance is submitted by the Council to the voters, language of the ballot question is determined by the Council. The question must identify the amendment clearly and distinguish the question from other questions on the same ballot.

Charter Commission Recommendation for Approval of Amendment by Election:

- Charter Commission makes recommendation to Council by filing notice with City Clerk
- Proposal must be submitted to Council at least 17 weeks prior to the general election
- Council must provide for election as long as amendment is constitutional and does not violate state or federal law
- Language of the ballot question is determined by the Council. The question must identify the amendment clearly and distinguish the question from other questions on the same ballot.

This summary of MN Statute is intended for informational purposes only and should not be construed as legal advice. Persons seeking amendment of their City Charter are advised to work cooperatively with their City staff and to seek appropriate legal counsel.