



Charter Commission Meeting

March 18, 2024

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

Agenda

Pursuant to Minnesota Statute § 13.02 the March 18, 2024 meeting will be a hybrid meeting. Commissioner Rick Nelson will be attending via Zoom from 7591 West Battaglia Drive, Lot B-10, Casa Grande, AZ 85193.

Virtual: <https://us06web.zoom.us/j/82443740179?pwd=vOUVcBHI7QZ9dz1tLjua17YGgCIHAu.1>

Meeting ID: 824 4374 0179. Passcode: 937773. Call in: 312-626-6799.

Call to Order

Roll Call

Approval of Agenda

Approval of Meeting Minutes

- [1.](#) Approval of February 5, 2024 Charter Commission Meeting Minutes

Administrative Matters

- [2.](#) Preparing for April 29, 2024 Joint Meeting with the Fridley City Council
- [3.](#) Charter Commission Training
- [4.](#) Commission Appreciation Dinner
- [5.](#) Election of Officers

Old Business

- [6.](#) Chapters 5 Review
- [7.](#) Review Bylaws

New Business

Future Meeting Topics/Communications

- [8.](#) Future Meeting Topics

Adjournment

Upon request, accommodation will be provided to allow individuals with disabilities to participate in any City of Fridley services, programs, or activities. Hearing impaired persons who need an interpreter or other persons who require auxiliary aids should contact the City at (763) 572-3450.



AGENDA REPORT

Meeting Date: March 18, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Approval of February 5, 2024 Charter Commission Meeting Minutes

Background

Attached are the minutes from February 5, 2024 for the Commission's consideration.

Recommendation

Staff recommend the approval of the February 5, 2024 Charter Commission Meeting Minutes.

Attachments and Other Resources

- February 5, 2024 Charter Commission Meeting Minutes

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



Charter Commission

February 5, 2024

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Chair Nelson called the Charter Commission meeting to order at 7:00 p.m.

Present

Donald Findell
Manuel Granroos
Nikki Karnopp
Clifford Johnson
Ted Kranz
Audrey Nelson
Rick Nelson
Ted Kranz
Pam Reynolds

Absent

Mohammed Barre
Kelli Brillhart
Greg Gardner
Ibsen Gabriel
Steven Kisner
Valerie Rolstad

Others Present

Melissa Moore, City Clerk
Beth Kondrick, Deputy City Clerk
Dave Ostwald, City Council

Approval of Agenda

Motion by Commissioner Granroos to approve the agenda. Seconded by Commissioner Karnopp.

Upon a voice call vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Approval of Meeting Minutes

1. Approval of January 9, 2024, Charter Commission Meeting Minutes

Motion by Commissioner Karnopp to approve the minutes of January 9, 2024, as presented. Seconded by Commissioner Granroos.

Upon a voice call vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Administrative Matters

2. Updated Member List

Ms. Moore stated that an updated member list has been provided to include the three new Commissioners who were approved by the Court after last month's meeting.

3. 2024 Nominating Committee Report

Commissioner Karnopp provided an update on the Nominating Committee and the recommendations for nominees for 2024. The committee has nominated Commissioner Rick Nelson to be Chair, Commissioner Johnson as Vice Chair and Commissioner Audrey Nelson as secretary.

Motion by Commissioner Reynolds to accept the Committee's report. Seconded by Commissioner Granroos.

Upon a voice call vote, all voting aye, Chair Nelson declared the motion carried unanimously.

Old Business

5. Chapter 1 Review

The Commission reviewed the edits and recommendations to Chapter 1 that were agreed upon at the January meeting.

Motion to proceed as revised by Commissioner Johnson. Seconded by Commissioner Reynolds.

Upon a voice call vote, all voting eye, Chair Nelson declared the motion passed.

New Business

6. Chapters 5 & 10

The Commission reviewed comments offered by the City Attorney and staff on Chapter 5. The Commission discussed various updates to the Chapter.

After discussion and deliberation, the Commission agreed to have Staff present a draft of suggested edits for its next meeting.

Commissioner Karnopp asked if it was ok to draft the first paragraph of the chapter into a bullet format and send her draft to be included in the next review. Ms. Moore said yes, anyone is welcome to do that at any time.

Future Meeting Topics/Communications

7. Future Meeting Topics

Ms. Moore reminded the Commission that for the March meeting they should prepare a list of discussion topics for their joint meeting with the City Council in April.

Ms. Moore also informed the Commission that at the May meeting, a representative from the League of Minnesota Cities will come and give a training session.

Adjournment

Motion by Commissioner Karnopp to adjourn the meeting. Seconded by Commissioner Findell.

Upon a voice vote, all voting aye, Chair Nelson declared the motion carried and the meeting adjourned at 8:27 p.m.



AGENDA REPORT

Meeting Date: March 18, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Preparing for April 29, 2024 Joint Meeting with the Fridley City Council

Background

At its January 9, 2024 meeting the Commission approved a motion to set a joint meeting with the Fridley City Council. To effectively use both group's time, staff recommend the Commission collaborate on discussion topics it would like to discuss with the Council.

Recommendation

Staff recommend the Commission consider any topics it may wish to discuss with the Council on April 29, 2024.

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: March 18, 2024

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager
Title

Charter Commission Training

Background

As requested by the Commission, staff have arranged for an attorney from the League of Minnesota Cities to come to the Commission's May 20 meeting to provide a presentation on the roles and responsibilities of a Charter Commission.

Recommendation

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: March 18, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Commission Appreciation Dinner

Background

The annual Commission Appreciation Dinner will be held on April 15 at Springbrook Nature Center at 6:00 pm. Invitations will be mailed to commissioner's homes.

Recommendation

None.

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.



AGENDA REPORT

Meeting Date: March 18, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Election of Officers

Background

Pursuant to Section 4(b) of the Commission's Bylaws, officers of the Commission are to be elected at the Annual Meeting in March. At its February 5 meeting the Commission approved a motion accepting the Nominating Committee's report. Nominated were Rick Nelson for Chair, Clifford Johnson for Vice Chair, and Audrey Nelson for Secretary. Past practice has been for the Commission to also allow for nominations from the floor.

Section 6 subd. (a)(6) of the Bylaws directs the Chair to ask for a committee of two to count ballots.

All officers are elected by a simple majority and begin their terms of office upon election.

Recommendation

Staff recommend any further nominations from the floor be added. Staff recommend a committee of two to read aloud ballots to be reflected in the minutes.

Attachments and Other Resources

- Ballot for Election of Officers

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

City of Fridley Charter Commission

Ballot for Election of Officers

Voting Commission Member Name: _____

Please select one per category.

Chair: Rick Nelson ☐

Nomination from the floor ☐ _____

Vice Chair: Clifford Johnson ☐

Nomination from the floor ☐ _____

Secretary: Audrey Nelson ☐

Nomination from the floor ☐ _____



AGENDA REPORT

Meeting Date: March 18, 2024

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager
Title

Chapters 5 Review

Background

At its February 5 meeting the Charter Commission directed staff to draft revisions to Chapters 5 for the Commission to consider at this evening's meeting. Staff proceeded to update the formatting of the Chapter for writing style and clarity. Staff also integrated several revisions the Commission discussed in February.

Substantive changes to the chapter that are outlined in the draft include:

- Section 5.01 is Definitions. Staff included definitions that were discussed at the February meeting. Other definitions may be appropriate as directed by the Commission. Malfeasance and nonfeasance were moved from Section 5.16.
- Section 5.02 was reformatted as written by Commissioner Karnopp and Chair Nelson. In addition, staff moved the first sentence of 5.03.01 to this section as well, because the sentence speaks to the enabling laws of the State that allow for such procedures. It serves well in the introductory language of the Chapter.
- Section 5.03 lists out the Charter's rules for initiatives, referendums or recalls. No matter which one the reader is interested in, those rules apply to all three.
- Section 5.07.01 removes the reference to "unsatisfactory to a majority of the petition committee" based on recommendations from both staff and the City Attorney. "Unsatisfactory" is subjective, so staff recommends either the Commission clearly define what that means or remove it.
- Section 5.16, the definitions of malfeasance and nonfeasance were moved to Section 5.01.
- Section 5.22 was moved to Section 5.03 as paragraph nine.

Recommendation

Staff recommend the Commission review the drafted revisions to Chapter 5 and provide further direction to Staff.

Attachments and Other Resources

- Chapter 5 Staff Review

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Fridley City Charter

Chapter 5. Initiative, Referendum and Recall

Section 5.01 Definitions

City Charter, Charter: The City of Fridley's (City) local constitution.

Electorate: All people in the City who are entitled to vote in an election.

Initiative: A proposed law or Charter amendment to be placed before the Electorate during a special or General Election.

Malfeasance: An illegal act by an elected official performed in their official capacity.

Nonfeasance: Neglect or refusal to perform official duties.

Ordinance: City law enacted by the Fridley City Council (Council).

Recall: A proposed initiative that seeks to remove any elected officer of the City.

Referendum: A proposed initiative that seeks to prevent an existing law or Charter amendment from taking effect.

Registered Voter: An eligible voter who complies with voting registration procedures and requirements as established by State law.

Section 5.01- 5.02 Powers Reserved by the People

~~The people of the City of Fridley reserve to themselves the power, in accordance with the provisions of this Charter, to initiate and adopt any ordinance, except an ordinance appropriating money or authorizing the levy of taxes; to require any ordinance when passed by the Council to be referred to the electorate for approval or disapproval; and to recall elected public officials. These powers shall be called the initiative, the referendum, and the recall, respectively.)~~

In accordance with the provisions of the Charter, the people of the City reserve the power to:

- Initiate a petition to adopt an ordinance (except an ordinance appropriating money or authorizing the levy of taxes) to be voted on by the electorate;
- Require an ordinance when passed by the Council to be referred (referendum) to the electorate for approval or disapproval; and
- Recall any elected officer of the City.

A petition for an initiative, referendum or recall may be submitted, signed and circulated upon the grounds authorized by State law and the Constitution of the State of Minnesota.

Section 5.02. 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, monetary or otherwise, for service rendered in connection with the circulation thereof. This shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$200 for stationery, copying, printing, and notaries' fees. A sworn statement substantiating such expenses shall be turned over to the City Clerk within five (5) days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section shall be reported by the City Clerk to the proper authorities for prosecution under State Statutes applying thereto.

Section 5.03. Initiative, Referendum and Recall ~~Further Regulations~~

1. No rewards, monetary or otherwise, may be accepted by:

- Any person who is a member of an initiative, referendum or recall committee;
- Any person who circulates a petition for initiative, referendum or recall; or
- Any person who signs a petition for initiative, referendum or recall.

2. Committees for an initiative, referendum or recall may pay for legal advice and incur related committee expenses not to exceed \$200. A sworn statement substantiating such expenses must be turned over to the City Clerk within five days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section must be reported by the City Clerk to the proper authorities pursuant to State law.

~~1.3. A lawful petition under this Charter may be submitted, signed and circulated upon an ordinance to be initiated, or upon an ordinance to be made the subject of a referendum or on a proceeding for recall upon the grounds authorized by law and required by the Constitution of the State of Minnesota. Reasons stated in for the proposed petition, are to be stated and noted in the petition itself. A petition for any other purpose may be made in accordance with procedures established by this Charter or under provisions of State law as may be elsewhere provided.~~

~~2.4. A petition under this Charter shall~~for an initiative, referendum or recall must be filed in the office of the City Clerk as ~~one (1) instrument, which instrument shall and contain any all~~ required documents (appropriate to the petition), a copy of any ordinance proposed, covered or affected, and all ~~the supporting~~ signature papers and affidavits ~~attached in support of the same.~~

~~3.5. A petition shall for an initiative, referendum or recall must~~ be circulated by a registered voter of the City. A valid petition shall may only be signed by registered voters of the City. ~~All the signatures on any petition need not be on one (1) signature paper. The circulator of the petition shall must~~ be certified as the circulator of the petition by an attached notarized affidavit which states:

- ~~(1)~~ that the circulator has signed the petition;
- ~~(2)~~ that each signature was signed in the circulator's presence;
- ~~(3)~~ the signature is from the person who signed the petition in front of the circulator;
and
- ~~(4)~~ that each signer affirmed they were a registered voter at the residence ~~stated~~
thereon indicated on the petition.

Any ~~signature paper petition~~ lacking the notarized affidavit ~~shall be~~ void. If ~~void~~ voided, the signatures on that paper ~~shall may~~ not be used in the calculation of the signatures needed to fulfill the petition requirement.

~~4.6.~~ The insufficiency or irregularity of a petition ~~shall may~~ not prejudice the filing of any new petition for the same purpose, nor ~~shall it~~ prevent the Council from referring any ordinance proposed to the electorate at the next regular or special election, ~~or otherwise acting favorably upon the same.~~

~~5.7.~~ The Council may provide by ordinance ~~such any~~ further regulations for ~~the an~~ initiative, referendum, ~~and or~~ recall not inconsistent with this Charter ~~as it deems necessary.~~

~~6.8.~~ The City Clerk, upon receipt of documented information that any signature on any petition paper has been falsely attested to, ~~shall promptly forward such information to the proper authority for prosecution under State Statutes applying thereto. If the City Clerk finds that any~~ documented information or signature on any petition for an initiative, referendum or recall has been falsely attested to, must promptly forward such information to the proper authorities pursuant to State law.

9. The City Clerk must provide to every person circulating a petition for an initiative, referendum or recall, written instructions delineating the correct and proper procedure for circulating the petition. The instructions provided will clearly define falsification of a signature and false attestation of a signature and will cite those ordinances, laws, or statutes relating to such acts.

INITIATIVE

Section 5.04. ~~Initiation of Measures~~ Initiative Petition

Any five ~~(5)~~ registered voters may form a committee for the initiation of any ordinance as provided in Section ~~5.03.04~~ 5.02. Before circulating any petition the committee ~~shall must~~ file a copy of the proposed ordinance with the City Clerk along with the names and addresses of members of said committee. The committee ~~shall must~~ attach a verified copy of the proposed ordinance to each of the signature papers ~~herein described~~, along with their names and addresses as sponsors ~~thereof of the petition. A verified copy of the proposed ordinance shall be a copy to which the~~ The City Clerk must affix the words: "Proposed Ordinance on File. Fridley City Clerk: Date: " to the ordinance filed.

Section 5.05. Form of Initiative Petition and of Signature Papers

The completed petition for the adoption of any ordinance not yet in effect, ~~shall~~ must consist of the ordinance, ~~together with all the signature papers and affidavits thereto attached. Such petition shall not be~~ Petitions are not complete unless signed by at least ~~fifteen percent (15%)~~ of the total number of votes cast ~~at in the last state general election~~ General Election in the City. Each signature paper ~~shall page must~~ 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 registered voters:

Name (Please Print)	Address (Please Print)
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 electorate for their approval.

Name (Please Print)	Birth Year	Address (Please Print)	Signature
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At the end of each group of signatures papers ~~shall be appended~~ must be the affidavit of the circulator ~~mentioned~~ detailed in Section ~~5.03.03~~ 5.03.05.

Section 5.06. Filing of Initiative Petitions and Action Thereon

Within ~~ten (10)~~ days after the filing of the completed petition, the City Clerk ~~shall ascertain by examination will determine if~~ the number of signatures ~~appended thereto~~ submitted and whether this number is at least ~~fifteen percent (15%)~~ of the total number of votes cast at the last ~~state general election~~ General Election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk ~~shall~~ must at once notify one (1) or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee ~~shall~~ will then be given ~~ten (10)~~ business days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten business days begins on the date the letter is postmarked. The City Clerk ~~shall~~ may have five (5) business days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that period the petition is found to

be still insufficient or irregular, the petition ~~shall must~~ be filed ~~in the City Clerk's office with the City Clerk~~ and no further action ~~shall will~~ be taken. The City Clerk ~~shall must~~ notify one (1) or more members of the petition committee of that fact.

Section 5.07. Action of the Council on Sufficient Initiative Petitions

A-1. Completed Petition With Signatures Under 25%

~~When the completed petition is found to be sufficient, with~~ If the number of signers of the petition is ~~not less than fifteen percent (15%) and less than twenty-five percent (25%) between 15% and 25%~~ of the total votes cast ~~at in the last state general election~~ General Election, the City Clerk ~~shall must~~ transmit the initiative petition to the Council at its next meeting, ~~stating the~~ The notification to the Council must include the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council ~~shall must at once~~ read the ordinance and ~~shall thereupon provide call~~ for a public hearing ~~upon regarding~~ the ordinance. After holding the public hearing, the ordinance ~~shall must~~ be finally acted upon by the Council ~~not no~~ later than ~~sixty-five (65)~~ days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance ~~shall will~~ become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance, or passes it in a form different from that set forth in the petition ~~and unsatisfactory to a majority of the petition committee~~, the proposed ordinance ~~shall must~~ be submitted by the Council to the electorate at the next regular municipal election.

B-2. Completed Petition With Signatures of 25% or More

~~When the completed petition is found to be sufficient with~~ If the number of signers of the petition ~~equal equals to at least twenty-five percent (25%) or more of the total votes cast at in the last state general election~~ General Election, the City Clerk ~~shall must~~ transmit the initiative petition to the Council at its next meeting, ~~stating the~~ The notification to the Council must include the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council ~~shall must at once~~ read the ordinance and ~~shall thereupon provide call~~ for a public hearing ~~upon regarding~~ the ordinance. After holding the public hearing, the ordinance ~~shall must~~ be finally acted upon by the Council ~~not no~~ later than ~~sixty-five (65)~~ days after the date upon which it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted, the ordinance ~~shall will~~ become effective and need not be submitted to the electorate. If the Council fails to pass the proposed ordinance or passes it in a form different from that set forth in the petition, the Council ~~shall must~~ call for an election and place the question on the ballot. If the petition is submitted by July 1st of an even year, the question ~~shall must~~ be placed on the next regular municipal election ballot. If the petition is submitted after July 1st of an even year or during an odd year, the Council ~~shall may~~ call for a special election subject to ~~Minnesota Election Law~~ State law.

Section 5.08. Initiative Ballots

The ballots used when voting upon such proposed ordinance ~~shall~~ must state the substance of the ordinance and ~~shall~~ must give the electorate the opportunity to vote either "Yes" or "No" on the question of adoption. If a majority of those voting on any such ordinance vote in favor of it, it ~~shall thereupon will~~ become an ordinance of the City. Any number of proposed ordinances may be voted upon ~~at in~~ the same election; ~~but the voter shall be allowed to vote for or against each separately. If there is more than one proposed ordinance on the ballot in the same election, a voter must be allowed to vote for or against each separately.~~ In the case of inconsistency between two (2) or more ~~initiative~~ ordinances to be approved by the voter electorate, the ordinances ~~shall~~ may not go into effect until the City Council has had ~~sixty (60)~~ days to resolve the inconsistencies.

Section 5.09. Initiation of Charter Amendments

~~The ways to~~ Procedures to initiate amendments to this Charter are set forth in ~~Minnesota Statutes~~ State law.

REFERENDUM

Section 5.10. The Referendum Petitions

~~If prior to the date when an ordinance takes effect a petition signed by at least fifteen per cent (15%) of the total votes cast at the last state general election in the City request that any such ordinance be repealed or be submitted to a vote of the electors, the ordinance shall thereby be prevented from going into operation.~~

An ordinance will be void if prior to the effective date of the ordinance, 15% of the total votes cast at the last General Election file a petition to request it be repealed or be submitted to a vote of the electorate.

Section 5.11. Form of Referendum Petitions

Any five (5) ~~registered~~ voters may form a committee for the purpose of petitioning for a referendum as provided in Section 5.03.01. Before circulating any petition, the committee ~~shall~~ must file a copy of the proposed referendum petition and a copy of the ordinance proposed to be repealed with the City Clerk along with the names and addresses of members of said committee. The committee ~~shall~~ must attach a verified copy of the referendum and the ordinance to be repealed to each of the signature papers ~~herein described~~, along with their names and addresses as sponsors ~~thereof~~. A verified copy of the ordinance proposed to be repealed to the referendum ~~shall~~ must be a copy to which the ~~city clerk~~ City Clerk has affixed the words: "Proposed Ordinance on File. Fridley City Clerk ____, Date ____." A referendum petition ~~shall~~ must read 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. The proposed repeal is sponsored by the following committee of registered voters:

Name (Please Print)	Address (Please Print)
1.	
2.	
3.	
4.	
5.	

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

Name (Please Print)	Birth Year	Address (Please Print)	Signature
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~~At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03-03.~~ Each signature page must have the affidavit of the circulator attached.

Section 5.12. Filing of Referendum Petitions

1. Referendum Petition Proposing Repeal of Charter Amendment

The requirements for the purposes of petitioning for a referendum repealing a charter amendment are set forth in Minnesota State Statutes.

2. Referendum Petition Proposing Repeal of an Ordinance

Within ~~ten (10)~~ business days after the filing of the completed referendum petition, the City Clerk ~~shall~~ must ascertain by examination the number of signatures ~~appended thereto~~ and whether ~~this the~~ number is at least ~~fifteen percent (15%)~~ of the total number of votes cast at the last ~~state general election~~ General Election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk ~~shall~~ must at once notify one ~~(1)~~ or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee ~~will have~~ shall then be given ~~ten (10)~~ business days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten business days begins on the date the letter is postmarked. If at the end of that period the petition is found to be still insufficient or irregular, the petition ~~shall~~ must be filed in the City Clerk's office, no further action ~~shall~~ will be taken, and the ordinance ~~will become~~ becomes effective immediately or on the date specified. The City Clerk ~~shall~~ must notify one ~~(1)~~ or more members of the petition committee of that fact.

Section 5.13. Referendum Petitions; Suspension of Effect of Ordinance

When a referendum petition is filed with the City Clerk, the ordinance sought to be reconsidered ~~shall must~~ be suspended from taking effect. Such suspension ~~shall may~~ terminate when:

1. There is a final determination of insufficiency of the petition; ~~or~~
2. The petitioner's committee withdraws the petition; ~~or~~
3. The ~~council~~ Council repeals the ordinance; or
4. Upon seven days after canvass of election is completed when a majority of those voting on any such ordinance vote in favor of it.

Section 5.14. Action of the Council on Sufficient Referendum Petitions

If the referendum petition or amended referendum petition is found to be sufficient, the City Clerk shall transmit the referendum petition to the Council at the next regular Council meeting. The Council shall thereupon reconsider the ordinance and either repeal it or by aye and nay vote re-affirm its adherence to the ordinance as passed. If the Council votes to reaffirm the ordinance by August 1st of an even year, the question shall be placed on the next regular municipal election ballot. If approved after August 1st of an even year, the Council shall immediately order a special election to be held subject to Minnesota Election Law.

Section 5.15. Referendum Ballots

The ballots used in any referendum election ~~shall must~~ conform to the rules laid down in Section 5.08 of this Charter for initiative ballots.

RECALL

Section. 5.16. ~~The~~ Recall Petitions

Any five ~~(5)~~ registered voters may form a committee for the purpose of bringing about the recall of any elected officer of the City as provided in Section 5.03.0403.

Before circulating any petition, the committee ~~shall must~~ file with the City Clerk a copy of a statement naming the elected officer whose removal is sought, a statement of the grounds for removal in not more than ~~two hundred fifty (250)~~ words, and their intention to bring about the recall with their names and addresses as members of ~~said the circulating~~ committee. The statement of grounds for removal of the elected officer must identify malfeasance or nonfeasance of conduct in the officer's performance of official duties. ~~Malfeasance constitutes an illegal or harmful act which an elected official should not perform in an official capacity. Nonfeasance is the neglect or refusal to perform official duties.~~ The committee ~~shall must~~ also attach a verified copy of said statement to each of the signature papers ~~herein described~~, together with their names and addresses as sponsors ~~thereof~~. A verified copy of said statement ~~shall must~~ be a copy to which the ~~city clerk shall~~ City Clerk must affix the following words: "Proposed Recall Statement on File. Fridley City Clerk (Attest): ____ Date: ____.

Section 5.17 Form of Recall Petitions

~~The petition for the recall of~~ Recall petitions for any elected official ~~shall~~ must consist of the statement identical with that filed with the City Clerk together with all the signature papers and affidavits ~~thereto~~ attached. Such petition ~~shall~~ may not be considered ~~to be~~ complete unless signed by at least ~~twenty five percent (25%)~~ of the total number of votes cast in the last ~~state general election~~ General Election in the Ward or City represented by the office holder. Each signature paper ~~shall~~ must 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 statement. This movement is sponsored by the following committee of registered voters:

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

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

Name	Birth Year	Address	Signature
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At the end of each group of signatures papers ~~shall~~ must be ~~appended~~ attached the affidavit of the circulator mentioned in Section 5.03.0305.

Section. 5.18 Filing of Recall Petitions

Within ~~thirty (30)~~ business days after the filing of the original proposed petition, the committee ~~shall~~ must file the completed petition ~~in the Office of~~ with the City Clerk. The City Clerk ~~shall~~ must examine the petition within ~~the next ten (10)~~ business days, ~~and if~~ If the City Clerk finds ~~it the petition~~ irregular, or finds that the number of signers is less than ~~twenty five percent (25%)~~ of the total number of votes cast at the last ~~state general election~~ General Election in the Ward or City represented by the office holder, the City Clerk ~~shall~~ must ~~at once~~ notify ~~one (1)~~ or more members of the petition committee advising the reasons for the insufficiency or irregularity. The committee ~~shall then be given~~ may have ~~ten (10)~~ business 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. The calculation of the ten business days begins on the date the letter is postmarked. The City Clerk ~~shall~~ will have five ~~(5)~~ business days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that time the City Clerk finds the petition still insufficient

or irregular, the City Clerk must notify at least one (1) or more of the members of the recall petition committee shall be notified to that effect and the petition shall be filed in the City Clerk's office. No further action shall may be taken thereon.

Section. 5.19. Recall Election Procedure

If the petition or amended petition is found sufficient, the City Clerk ~~shall~~ must 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 subject to Minnesota Election Law. At its next regularly scheduled meeting, the Council must call for a special election, pursuant to State law.~~

~~Section. 5.20. Procedure at Recall Election~~

~~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 five hundred (500) words, the answer of the elected officer concerned in justification of his/her conduct 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.~~

The City Clerk must post notice of the election including grounds for the recall petition and response of the elected officer concerned. Candidates to succeed the officer to be recalled may be nominated in the usual way and an election must be conducted in accordance with State law.

Section ~~5.21~~ 5.20. Form of Recall Ballot

1. If the officer sought to be recalled resigns within ~~ten (10)~~ business days after the receipt by the Council of the completed recall petition, the Council ~~shall~~ must declare the office vacant and ~~shall then fill the vacancy for the unexpired term in accordance with the City Charter, Section 2.06.~~

2. If the officer sought to be recalled does not resign within ~~ten (10)~~ business days after the receipt by the Council of the completed recall petition, the question to be placed on the ballot at the recall election ~~referenced in Section 5.19 of the Charter shall~~ must be: "Shall _____ be recalled?", the name of the officer whose recall is sought being inserted in the blank, and ~~those~~ Those voting ~~shall~~ must be permitted to vote "Yes" or "No" upon this question. If a majority of those voting on the question of recall vote in favor of recall (a majority voting "Yes"), the officer ~~shall~~ must be promptly removed from office. The Council ~~shall~~ must then fill the vacancy for the unexpired term in accordance with the ~~City Charter, Section 2.06.~~ If a majority of those voting on the question of recall vote against recall (a majority voting "No"), the officer ~~shall~~ will continue in office with no further action required.

~~Section 5.22. Instructions to Petitioners~~

The City Clerk shall provide to every person circulating a petition for the initiation of an ordinance, for the initiation of Charter amendments, for a referendum, or for the recall of an elected official, written instructions delineating the correct and proper procedure for circulating the petition. The instructions provided will clearly define falsification of a signature and false attestation of a signature and will cite those ordinances, laws, or statutes relating to such acts.



AGENDA REPORT

Meeting Date: March 18, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Review Bylaws

Background

Throughout 2022 and 2023, the Commission reviewed its Bylaws and discussed potential changes. On February 6, 2023 the Commission unanimously approved a motion to approve the revised Bylaws (attached). Chair Nelson asked staff to include this item in the agenda.

Recommendation

None.

Attachments and Other Resources

- Charter Commission Bylaws

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.

Fridley Home Rule Charter Commission
Bylaws
Approved February 6, 2023

1. Name – the name of the organization shall be the Fridley Home Rule Charter Commission (Commission).

2. Mission – To collaboratively evaluate and propose changes to the Fridley City Charter (Charter) that reflect the importance of the Charter, to enable effective government operations and reflects the values of the residents of Fridley.

3. Strategic Values

Strategic Value	Attained Through
Collaboration	1. Active communication with the City Council. 2. Respecting differing opinions on matters and working to find consensus. 3. Continuous refinement and improvements to the Charter to ensure it is a document which best serves the residents and City government.
Stewardship	1. Maintaining responsibility for the applicability and efficacy of the Charter. 2. Ensuring the directives of the Charter reflect the will of Fridley residents.
Engagement	1. Educating the residents of Fridley on the role of the City Charter and Charter Commission. 2. Participating in community events to listen and learn how residents feel about certain issues. 3. When Commission openings occur, actively recruit new voices that reflect the changing demographics of Fridley.

4. Meetings

(a) Commission meetings will be held at Fridley City Hall or a designated public location upon proper notice.

(b) The annual meeting of the Commission shall be held in March of each year. The election of officers of the Commission shall take place at the annual meeting.

(c) Special meetings may be called by the Chair. In addition, the Chair shall call a special

meeting within 10 days upon receipt of a written request signed by at least five members. Such special meeting shall require proper notice to the commissioners and the public as required by Minnesota Statutes Chapter 13D.

(d) A quorum to conduct business shall be determined according to the following schedule:

Number of appointed Charter Commission members	Quorum
15, 14, 13	7
12 or 11	6
10 or fewer	5

(e) Except as provided in these Bylaws, all meetings shall be governed in accordance with Rosenberg's Rules of Order (Revised 2011).

(f) The meeting shall be called to order by the Chair. If there is not a quorum within 10 minutes after the time of the meeting is to commence, the Commission members shall be dismissed by the Chair. However, if in the sole discretion of the Chair, there is business that should be addressed, the Chair may require that the Commission members stay up to an additional 10 minutes in order to see if a quorum can be met. If no quorum is met within the additional 10-minute timeframe, the Chair shall dismiss the Commission members.

5. Membership – The membership of the Commission shall be 15 members.

(a) All Commission members shall be expected to attend all meetings and will inform the Staff Liaison of their attendance.

(b) Any member missing three consecutive meetings without notifying the Liaison, or failing to perform the duties of the office shall be subject to a discharge from the Commission upon a written request to the District Court, supported by 2/3 of the Commission members present and voting.

6. Officers

(a) Election of Officers

(1) The officers of the Commission shall consist of Chair, Vice Chair, and a Secretary.

(2) The Chair, Vice Chair, and Secretary shall be elected from the membership of the Commission by the Commission members.

(3) The Chair, Vice Chair, and Secretary shall be elected by the Commission at the Commission's annual meeting. No officer of the Commission shall serve more than two consecutive full terms in the same office.

(4) All officers shall begin their terms of office immediately upon election to that office.

(5) Election to vacant offices shall be made from the floor at the next meeting of the Commission following the meeting at which the vacancy is declared. Members of the Commission who are elected to vacant offices shall serve until the next annual meeting of the Commission.

(6) Officers of the Commission shall be declared duly elected by a simple majority vote of those members of the Commission who are present and voting. Any contested race for an office shall be done by a written ballot. The acting Chair will ask for a committee of two Commission members to count the ballots. If at all possible, the members of the committee shall not include members of the Commission who are running for an officer position.

(b) Duties of Officers and Liaison

(1) The Chair shall have the following responsibilities to:

- ((a)) call all regular and special meetings;
- ((b)) preside at all meetings;
- ((e)) set the agenda;
- ((d)) implement the decisions of the Commission; and
- ((e)) participate in all Commission decisions as a voting member.

(2) The Vice Chair shall assist the Chair in the performance of these duties. In the event the Chair is unable to perform their duties, the Vice Chair shall discharge such duties.

(3) The Secretary shall be responsible for presiding at meetings in the absence of the Chair and Vice Chair.

(4) The Liaison shall be designated by the City Clerk and serve as the recording secretary at all meetings of the Commission. The Liaison, with the direction of the Secretary, will have the following responsibilities:

- ((a)) serve in an advisory capacity at all Commission meetings as a non-voting member;
- ((b)) assist the Commission by providing research information as requested by

Officers of the Commission;

((c)) prepare proposed Charter changes for submission to the City Council;

((d)) retain records of Commission proceedings as required by State law;

((e)) keep an accurate record of attendance;

((f)) recording of minutes at all meetings;

((g)) distributing notices of upcoming meetings, minutes, and agendas to Commission members within a reasonable time;

((h)) giving notice to Commission members who have missed two consecutive meetings pursuant to Section No. 4 (b) of the Bylaws; and

((i)) transmitting all correspondence and related resource material concerning the Commission to the City Clerk for retention.

7. Committees

(a) The Chair shall have the power to create committees consisting of members of the Commission, appoint members of the committees, and designate chairs of those committees.

(b) In January of each year the Chair shall appoint a Nominating Committee of three or more Commission members who shall nominate one or more candidates for each office of the Commission. A written report of such nominations by the Nominating Committee shall be transmitted electronically or by mail by the Liaison to each member at least 10 days before the Commission's annual meeting.

8. Voting

(a) A majority vote of Commission members present at a Commission meeting shall be sufficient to pass motions and resolutions except as provided elsewhere.

(b) There shall be no secret votes.

9. Order of Business – The Commission shall follow the following order of business at its meetings:

(a) Call to Order by the Chair

(b) Roll Call

(c) Approval of the Agenda

(d) Approval of the Minutes

(e) Administrative Matters

(f) Old Business

- (g) New Business
- (h) Future Meeting Topics
- (i) Adjournment.

10. Amendment of Bylaws

These Bylaws can be amended at any regular meeting of the Commission by 2/3 vote of those present, provided that the contemplated amendment has been properly noticed in writing electronically or by mail to all Commission members.



AGENDA REPORT

Meeting Date: March 18, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Future Meeting Topics

Background

Future meeting topics requested by commissioners:

- Review of Chapter 10
- Topics to be discussed with Joint City Council meeting

Recommendation

None.

Attachments and Other Resources

Vision Statement

We believe Fridley will be a safe, vibrant, friendly and stable home for families and businesses.