



Charter Commission Meeting

May 01, 2023

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

Agenda

Call to Order

Roll Call

Approval of Agenda

Approval of Meeting Minutes

- [1.](#) Approval of April 3, 2023 Charter Commission Meeting Minutes

Administrative Matters

- [2.](#) Meeting Room Change
- [3.](#) Chapter No. 10, Franchises and Public Utilities

Old Business

- [4.](#) Review of Chapter 4

New Business

- [5.](#) Debrief from Joint Meeting with the Fridley City Council

Future Meeting Topics/Communications

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: May 1, 2023

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Approval of April 3, 2023 Charter Commission Meeting Minutes

Background

Attached are the minutes from April 3, 2023 for the Commission's consideration.

Recommendation

Staff recommend the approval of the April 3, 2023 Charter Commission Meeting Minutes.

Attachments and Other Resources

- April 3, 2023 Charter Commission Meeting Minutes

Vision Statement

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



Charter Commission and Fridley City Council

April 3, 2023

7:00 PM

Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

Vice Chair Granroos called the Charter Commission meeting to order at 7:10 p.m.

Roll Call

Present: Mohamed Barre
 Gary Braam
 Kelli Brillhart
 Greg Gardner
 Manuel Granroos
 Nikki Karnopp
 Steven Kisner
 Ted Kranz
 Rick Nelson (Remote participation. Experienced technical issues so did not participate.)
 Oluwaseyi Olawore
 Pam Reynolds
 Val Rolstad
 Avonna Starck

Absent: Donald Findell, Ibsen Gabriel

Others Present: Wally Wysopal, City Manager
 Scott Lund, Mayor
 David Ostwald, Councilmember
 Tom Tillbury, Councilmember
 Ann Bolcom, Councilmember (Remote participation. Experienced technical issues so did not participate.)
 Melissa Moore, City Clerk
 Beth Kondrick, Deputy City Clerk

Approval of Agenda

Motion by Commissioner Reynolds to amend the agenda to add a meeting opener by Wally Wysopal.
 Seconded by Commissioner Kisner.

Upon a roll call vote, Barre, Braam, Brillhart, Gardner, Granroos, Karnopp, Kisner, Kranz, Olawore, Reynolds, Rolstad and Stark all voting aye, Vice Chair Granroos declared the motion carried unanimously.

Approval of Meeting Minutes

1. Approval February 6, 2023, Charter Commission Meeting Minutes

Motion by Commissioner Reynolds to approve the meeting minutes of March 6, 2023 as presented.
Seconded by Commissioner Karnopp.

Upon a roll call vote, Barre, Braam, Brillhart, Gardner, Granroos, Karnopp, Kisner, Kranz, Olawore, Reynolds, Rolstad and Stark all voting aye, Vice Chair Granroos declared the motion carried unanimously.

New Business

1. Joint Meeting with the Fridley City Council (Council)

Mayor Lund asked the Commission if they feel comfortable with the amount of meetings they have each year, noting that some Charter cities only hold meetings once a year, or quarterly. Vice Chair Granroos stated that the Commission is comfortable with the amount of meetings. Other members of the Commission also voiced support for continuing to meet eight times a year as it helps with the work they do and to help in bringing new members up to speed.

Commissioner Braam asked if the Council would find value in setting a yearly meeting with the Charter Commission. Councilmembers Ostwald and Tillbury said yes, they see a huge value in setting a yearly meeting.

Motion by Commissioner Karnopp to set a yearly meeting between the Council and the Charter Commission every April. Seconded by Commissioner Rolstad.

Upon a roll call vote, Barre, Braam, Brillhart, Gardner, Granroos, Karnopp, Kisner, Kranz, Olawore, Reynolds, Rolstad and Stark all voting aye, Vice Chair Granroos declared the motion carried unanimously.

Councilmember Ostwald asked if the HF1723 bill would have any bearing on the Commission's work on Chapter 4, Nominations and Elections. Ms. Moore highlighted a few elements of HF1723 and indicated that the bill would have no bearing on the chapter.

Commissioner Brillhart asked if the Council had heard anything from the Public regarding either Chapter 4 or anything else pertaining to Charter. Mayor Lund said he does not have any feedback and believes that many citizens do not realize the City is a Charter City and not a Statutory City. Mayor Lund did say he would try to more often ask people when he is out and about if they have questions about the election process or educate more on what the Charter is and what the Commission does.

Commissioner Olawore expressed desire to try to work more collaboratively with the Council and help both groups move forward with their work.

Commissioner Stark said it would be helpful if something important is happening in the Council's perspective, the Commission would appreciate someone from the Council or the City Manager to come and share those items with the Commission. Commissioner Kisner added that such collaboration would help move on from past difficulties and help the Commission be more strategic and positive in its future work.

Future Meeting Topics/Communications

Commissioner Reynolds asked to remove the review of Chapters 5 and 7 from the list of future meeting topics. Commissioner Reynolds asked about adding a review of Chapter 12. Ms. Moore stated she would investigate if there were any developments on the FCC's review of franchise law and will add her report to the next meeting agenda.

Adjournment

Motion by Commissioner Kranz to adjourn the meeting. Seconded by Commissioner Rolstad.

Upon a roll call vote, Barre, Braam, Brillhart, Gardner, Granroos, Karnopp, Kisner, Kranz, Olawore, Reynolds, Rolstad and Stark all voting aye, Vice Chair Granroos declared the motion carried unanimously and the meeting adjourned at 8:30 pm.



AGENDA REPORT

Meeting Date: May 1, 2023

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Meeting Room Change

Background

In anticipation of a request to conduct a hybrid meeting (Zoom and in-person attendance), staff and Chair Nelson discussed a change to the meeting room location for the Commission's October 2 and November 6 meetings.

Due to technical issues with the equipment in the Fireside Room, staff recommend the Commission no longer conduct hybrid meetings in that room until system repairs can be made by the City's IT Division. Chair Nelson approved the meetings to be held in the Emergency Operations Center of Fridley City Hall.

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: May 1, 2023

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager
Brian Strand, Cable Administrator

Title

Chapter No. 10, Franchises and Public Utilities

Background

At its April meeting, the Commission asked staff to provide an update related to Chapter No. 10 of the Charter. At this time staff need more time to research and compile a meaningful update on the matter and will report back on the September agenda.

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: May 1, 2023

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Review of Chapter 4

Background

At its January meeting the Commission made a motion to begin review of Chapter 4, Nominations and Elections.

The Commission asked for clarification from Melissa Moore, City Clerk, on the following items:

1. In Section 4.04 the Commission directed staff to make the change to the citation of Section 2.06 to 2.07.

Staff response: the last time Chapter 4 was revised was in 2013 and Chapter 2 was revised in 2017. Thus, the reference to Chapter 2 was outdated.

2. Generally, there was some confusion regarding motions, resolutions, and ordinances. This clarification is given for informational purposes only:

- A motion is a formal proposal by a member of a body to do something.
- A resolution is a formal document to memorialize a decision or approval by a body.
- An ordinance is a formal document to memorialize legislation passed by a body. In the City, some ordinances are preceded by a public hearing. All ordinances in the City must be heard at two City Council meetings.

3. In Section 4.05 Commissioner Reynolds asked for the actions that would make someone ineligible to work as an Election Judge be put into bullet format for ease of understanding.

Staff response: the working draft of Chapter 4 (Exhibit A) incorporates this change. Since coming to work for the City in 2019, checking names of those who sign or circulate a Nominating Petition against the list of the City's Election Judges is standard practice of the Clerk's Office. Since 2019 there have not been any committees formed related to a referendum or recall.

4. Regarding Section 4.05 Commissioner Gardner asked for more information on the requirements of a Head Judge versus an Election Judge.

Vision Statement

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

Staff response: this discussion points out a difference between what State law requires for election workers, and what the Charter requires. In State law there is no differentiation between requirements of Election Judges and Head Judges. The Charter, however, does draw a difference in that Head Judges must be registered voters.

For an election the City proceeds with hiring Election Judges as employees. Therefore, Election Judges and Head Judges must meet certain hiring criteria to be hired for each role. Contrary to the discussion among the Commission at the March 7 meeting, the requirements for Head Judges include things like: supervision experience, previous elections experience, ability to manage difficult situations and people, ability to delegate tasks and manage complex processes.

5. The Commission discussed Section 4.06 and requested clarification from staff about how people file for office.

Staff response: according to the Charter, anyone wishing to file for office may only do so by filing a Nominating Petition (detailed in Section 4.07). In addition to the Nominating Petition, the candidate filing packet provided by the City Clerk includes the Secretary of State's Affidavit of Candidacy (Exhibit B). This is the standard form used State-wide to process candidate applications.

6. The Commission discussed Section 4.08 and raised a number of questions about the City's procedures for counting (or not) write-in votes.

Staff response: if someone wishes to file for a City office, and they missed the normal application period, they may file as a write-in candidate. This means their name does not appear on the ballot, but any vote cast for them will be counted and submitted to the County Auditor.

As State law, and the Charter directs, staff only tally votes for those candidates who registered as a write-in candidate. If a voter fills in the oval for a write-in candidate and writes a name in that field, the name they write is printed on the closing statistics tape when voting is complete. After Election Day, the City Clerk reviews all statistics tapes for all of the City's polling locations and tallies the number of votes cast for registered write-in candidates. Those tallies are certified by the City Clerk and sent to the County Auditor. The County Auditor then incorporates those vote totals for registered candidates into a Statement of Canvass report. This report is then sent to the City, presented to the City Council, and councilmembers accept the report and certify the City's election results.

If the City Clerk were to tally all votes for any name put in the write-in field, this process would take an entire day. Many voters write non-sensical things in the write-in field, such as Mickey Mouse. To require the City Clerk to only tally the votes for registered write-in candidates makes it that the City is only counting votes for legitimately registered candidates.

To aid the Commission's review of the Chapter, Chair Nelson requested staff combine comments made by the City Attorney and staff onto one document (Exhibit C). If the Commission would like to read the comments separated, attached are the City Attorney's legal review (Exhibit D) and staff's review (Exhibit E).

Vision Statement

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

Recommendation

Staff recommend the Commission review Chapter 4 and discuss updates.

Attachments and Other Resources

- Exhibit A: Working draft of Chapter 4 (with directed changes through March 7)
- Exhibit B: Affidavit of Candidacy
- Exhibit C: Combined review of Chapter 4
- Exhibit D: Chapter 4 legal review
- Exhibit E: Chapter 4 staff review

Vision Statement

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

Fridley City Charter

Chapter 4. Nominations and Elections

Section 4.01. General Election Laws to Apply

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of eligible voters and the conduct of primary and general elections shall apply for all municipal elections of such ~~officers-office~~ as are specified in this Charter. The Council shall, through ordinances duly adopted in compliance with such state laws and this Charter, adopt suitable and necessary regulations for the conduct of such elections.

Section 4.02. Regular Municipal Elections

On the first Tuesday after the first Monday in November, municipal general elections shall be held, at such place or places as the City Council may designate by resolution. General municipal elections shall be held every even numbered year. The Council may divide the City into as many voting precincts as it may from time to time deem necessary. Each ward shall constitute at least one ~~(1)~~ voting precinct and no precinct shall be in more than one ~~(1)~~ ward. At least ~~fifteen (15)~~ 14 days' notice shall be given by the City Clerk of the time and places of holding such election, and of the ~~officers~~ ~~offices~~ to be elected, by posting a notice thereof in at least one ~~(1)~~ public place in each voting precinct and by publishing a notice thereof at least once in the ~~official newspaper~~ Official Publication of the City, but failure to give such notice shall not invalidate such election.

Section 4.03. Primary Elections

There shall be a primary election, on the date established by Minnesota ~~State Law~~ Statute (M.S.), for the selection of two ~~(2)~~ nominees for each elective office at the regular municipal election, unless only two ~~(2)~~ nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary.

Section 4.04. Special Elections

The Council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that three ~~(3)~~ weeks' published notice shall be given of said special election. The procedure at such elections shall conform as nearly as possible to that herein provided for other municipal elections and ~~Minnesota Election Laws~~ State law. Special elections for vacancies in the City Council shall be held in accordance with provisions of Section ~~2.062.07.~~

Section 4.05. Judges of Election

The Council shall at least ~~twenty-five (25)~~ days before each municipal election appoint ~~two (2)~~ three eligible voters for each voting precinct to be ~~election judges~~ Election Judges and one ~~(1)~~ registered voter to be ~~head election judge~~ Head Election Judge, or as many ~~election judges~~ Election Judges as

may be determined by the ~~city clerk~~City Clerk. ~~No person signing or circulating a petition of nomination of candidate for election to office or any member of a committee petitioning for a referendum or recall shall be eligible to serve as a judge of such election.~~A person is ineligible to serve as an Election Judge if they:

- Signed a Nomination Petition;
- Circulated a Nomination Petition; or
- Was a member of a committee petitioning for a referendum or recall.

Pursuant to M.S. § 204B.19, the City may establish additional requirements that are not inconsistent with State law and which relate to the ability of an individual to perform the duties of an Election Judge.

Section 4.06. Nominations by Petition

The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any eligible voter of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in that person's behalf with the City Clerk. Such petition shall be signed by at least ~~ten~~(10) registered voters qualified to vote for the office in question. No elector shall sign more than one petition for any office for which there is an election. Should such a case occur, the signature shall be void as to the petition or petitions last filed. All nomination petitions shall be filed with the City Clerk in accordance with ~~Minnesota State Statutes~~State law. Each petition, when presented, must be accompanied by a ~~ten dollar~~(\$10.00) filing fee.

Section 4.07. Nomination Petitions

The signatures to the nomination petition need not all be appended to one ~~(1)~~paper, but to each separate paper there shall be attached a notarized affidavit of the circulator stating:

- (1) the number of signers of such paper;
- (2) that each signature appended thereto was made in the circulator's presence; and
- (3) that it is the genuine signature of the person whose name it purports to be.

With each signature there shall be the printed name, birth year, and address of the signer, giving the street and number or other description sufficient to identify the same. The nominee shall indicate by an endorsement upon the petition acceptance of the office if elected thereto. The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION

We, the undersigned, registered voters of the City of Fridley, hereby nominate ____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the ____ day of _____, ____; and we individually certify that we are registered voters and that we have not signed other nomination petitions of candidates for this office.

Printed Name	Birth Year	Address	Signature
--------------	------------	---------	-----------

_____, being duly sworn, deposes and says, "I am the circulator of the foregoing petition paper containing signatures and that the signatures appended thereto were made in my presence and are the genuine signatures of the persons whose names they purport to be."

Subscribed and sworn to before me this ____ day of _____, ____.

This petition, if found insufficient by the City Clerk, shall be returned to _____, at Number ____ Street.

I hereby indicate my willingness to accept the office of _____ if duly elected thereto.

Section 4.08. Write-In Candidates

A candidate for any ~~city~~-City office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the seventh (~~7th~~) day before the primary, general or special municipal election. The ~~city clerk~~City Clerk shall provide the form to make the request.

Section 4.09. Canvass of Elections and Taking of Office

If more than two candidates filed for office, the Council must meet and canvass the primary election returns on the third calendar day after any primary election. The two candidates for each office who receive the highest number of votes shall be nominees for the office named. Their names shall be certified by the ~~city~~-City ~~clerk~~-Clerk to the county auditor who shall place them on the municipal general election ballot without partisan designation. The Council shall meet and canvas the general (regular) election or special election returns between the third and tenth calendar days after any regular or special election, shall make full declaration of the results, and file a statement thereof with the City Clerk. Said statement shall be made a part of the minutes. This statement shall include:

- (a) the total number of votes cast;
- (b) the total number of individuals registered before 7:00 am on ~~election~~-Election day Day and the total number of individuals registering on ~~election~~-Election dayDay;
- (c) the total votes cast for each candidate, with a declaration of those who are elected;
- (d) a true copy of the ballots used;
- (e) the names of the judges of election; and
- (f) such other information as may seem pertinent.

The City Clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office.



Office of the Minnesota Secretary of State
AFFIDAVIT OF CANDIDACY

Filing # _____	Item 4.
Cash/Check # _____	
Amount \$ _____	

Instructions

All information on this form is available to the public. Information provided will be published on the [Secretary of State's website](#). If filing for partisan office and not a major party candidate, you must file both an affidavit of candidacy and a nominating petition. (Minn. Stat. 204B.03)

Candidate Information

Name and Office

Candidate Name (as it will appear on the ballot) _____

Office Sought _____ District # _____

For Partisan Office, Provide Political Party or Principle _____

For Judicial Office, Provide Name of Incumbent _____

Residence Address

Do not complete if residence address is to be private and checkbox below is marked. All address and contact information is optional for federal, judicial, county attorney, and county sheriff office candidates.

Street Address _____

City _____ State _____ Zip Code _____

☐ My residence address is to be classified as private data. I certify a police report has been submitted or I have an order for protection for my (or my family's) safety, or my address is otherwise private by Minnesota law. I have attached a separate form listing my residence address.

Campaign Address and Contact

Candidate Phone Number (Required) _____

Campaign Contact Address (Required for those who have checked the box above):

Street Address _____

City _____ State _____ Zip Code _____

Website _____ Email _____

Affirmation

For all offices, I swear (or affirm) that this is my true name or the name by which I am generally known in the community.

If filing for a state or local office, I also swear (or affirm) that:

- I am eligible to vote in Minnesota;
- I have not filed for the same or any other office at the upcoming primary or general election (except as provided in M.S. 204B.06, subd. 1 (2));
- I am, or will be on assuming office, 21 years of age or more;
- I will have maintained residence in this district for at least 30 days before the general election; and
- If a major political party candidate, I either participated in the party's most recent precinct caucuses or intend to vote for a majority of that party's candidates at the next general election.

If filing for one of the following offices, I also swear (or affirm) that I meet the requirements listed below:

- **United States Senator** – I will be an inhabitant of this state when elected and I will be at least 30 years old and a citizen of the United States for not less than nine years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **United States Representative** – I will be an inhabitant of this state when elected and I will be at least 25 years old and a citizen of the United States for not less than seven years on the next January 3rd, or if filled at special election, within 21 days after the election.
- **Governor or Lieutenant Governor** – I will be at least 25 years old on the first Monday of the next January and a resident of Minnesota for not less than one year on election day. I am filing jointly with _____
- **Supreme Court Justice, Court of Appeals Judge, District Court Judge, or County Attorney** – I am learned in the law and licensed to practice law in Minnesota. My Minnesota attorney license number is _____ and a copy of my license is attached.
- **State Senator or State Representative** – I will be a resident of Minnesota not less than one year and of this district for six months on the day of the general or special election.
- **County Sheriff** – I am a licensed peace officer in Minnesota. My Board of Peace Officer Standards and Training license number is _____ and a copy of my license is attached.
- **School Board Member** – I have not been convicted of an offense for which registration is required under Minn. Stat. 243.166.
- **County, Municipal, School District, or Special District Office** – I meet any other qualifications for that office prescribed by law.

Candidate Signature _____ Date _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary public or other officer empowered to take and certify acknowledgement

(Notary stamp)

Section	Language As Is	City Attorney Comments	City Staff Comments
4.01	GENERAL ELECTION LAWS TO APPLY. Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of eligible voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this Charter. The Council shall, through ordinances duly adopted in compliance with such state laws and this Charter, adopt suitable and necessary regulations for the conduct of such elections.		This section could be removed. The City is required to follow all State laws pertaining to elections.
Section	Language As Is	City Attorney Comments	City Staff Comments
4.02	REGULAR MUNICIPAL ELECTIONS. On the first Tuesday after the first Monday in November, municipal general elections shall be held, at such place or places as the City Council may designate by resolution. General municipal elections shall be held every even numbered year. The Council may divide the City into as many voting precincts as it may from time to time deem necessary. Each ward shall constitute at least one (1) voting precinct and no precinct shall be in more than one (1) ward. At least fifteen (15) days' notice shall be given by the City Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one (1) public place in each voting precinct and by publishing a notice thereof at least once in the official newspaper of the City, but failure to give such notice shall not invalidate such election.	The statute requires only two weeks (14 days) published notice and 10 days' posted notice The notice must also be posted in the City Clerk's office for public inspection. Should say "offices" to be filled and also "all propositions or questions to be voted upon". The notice should also give the location of each polling place. This is per Minnesota Statutes Section 205.16, subdivision 1. The statute does not say this.	Timing and day of election is required by M.S. 205.07 subd. 1. Requirements for wards and voting precincts is required by M.S. 204B.14 subd. 1 and M.S. 204B.14 subd. 3(f). Requirements for notifications is in M.S. 205.16 subds. 1-3.

Section	Language As Is	City Attorney Comments	City Staff Comments
4.03	PRIMARY ELECTIONS. There shall be a primary election, on the date established by Minnesota State Law, for the selection of two (2) nominees for each elective office at the regular municipal election, unless only two (2) nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary.		M.S. 205.065 Subd. 1 requires a primary for the purpose of nominating candidates to a City General Election in August of even numbered years. M.S. 205.065 Subd. 4 establishes a threshold for when a Primary would be triggered. If no more than twice the number of candidates file for the number of seats open, then no Primary is required.
Section	Language As Is	City Attorney Comments	City Staff Comments
4.04	SPECIAL ELECTIONS. The Council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that three (3) weeks' published notice shall be given of said special election. The procedure at such elections shall conform as nearly as possible to that herein provided for other municipal elections and Minnesota Election Laws. Special elections for vacancies in the City Council shall be held in accordance with provisions of Section 2.06.	Statute only requires a motion, not a resolution (although Charter can be more restrictive). May want to mention that the special election must be on a subject that the voters are authorized by law or charter to pass judgment. A special election can only be held on certain dates (see Minnesota Statutes Section 205.10, subdivision 3a). A charter city cannot designate additional dates in its charter.	Timing and notifications required are addressed by M.S. 205.10. I assume this needs to be updated to Section 2.07 (Vacancies in the Council) section of the Charter.

		Notice requirements are the same as for general elections (two weeks notice), but I suppose the charter can require more notice.	
Section	Language As Is	City Attorney Comments	City Staff Comments
4.05	JUDGES OF ELECTION. The Council shall at least twenty-five (25) days before each municipal election appoint two (2) eligible voters for each voting precinct to be election judges and one (1) registered voter to be head election judge; or as many election judges as may be determined by the city clerk. No person signing or circulating a petition of nomination of candidate for election to office or any member of a committee petitioning for a referendum or recall shall be eligible to serve as a judge of such election.	State law requires at least four election judges for each precinct (unless the precinct has less than 500 registered voters, then only 3 are required). One of the four election judges should be appointed the head election judge for that precinct. There are additional requirements for election judges that are set forth in Minnesota Statutes Section 204B.19. These requirements are not listed in the statutory requirements but the statute does say that a city may establish additional requirements that are not inconsistent with the statute and which relate to the ability of an individual to perform the duties of an election judge.	Required by M.S. 204B.21.

Section	Language As Is	City Attorney Comments	City Staff Comments
4.06	NOMINATIONS BY PETITION. The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any eligible voter of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in that person's behalf with the City Clerk. Such petition shall be signed by at least ten (10) registered voters qualified to vote for the office in question. No elector shall sign more than one petition for any office for which there is an election. Should such a case occur, the signature shall be void as to the petition or petitions last filed. All nomination petitions shall be filed with the City Clerk in accordance with Minnesota State Statutes. Each petition, when presented, must be accompanied by a ten dollar (\$10.00) filing fee.	I thought that this was a little strange (that the council members/mayor must be nominated for office by petition), but Minnesota Statutes Section 410.16 seems to allow for it ("the charter commission may provide that all elective city officers, including mayor and members of the council, shall be elected at large or otherwise").	
Section	Language As Is	City Attorney Comments	City Staff Comments
4.07	NOMINATION PETITIONS. The signatures to the nomination petition need not all be appended to one (1) paper, but to each separate paper there shall be attached a notarized affidavit of the circulator stating: (1) the number of signers of such paper; (2) that each signature appended thereto was made in the circulator's presence; and (3) that it is the genuine signature of the person whose name it purports to be.		

With each signature there shall be the printed name, birth year, and address of the signer, giving the street and number or other description sufficient to identify the same. The nominee shall indicate by an endorsement upon the petition acceptance of the office if elected thereto. The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION

We, the undersigned, registered voters of the City of Fridley, hereby nominate _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the ____ day of _____, ____; and we individually certify that we are registered voters and that we have not signed other nomination petitions of candidates for this office.

Printed Name	Birth Year	Address	Signature

_____, being duly sworn, deposes and says, "I am the circulator of the foregoing petition paper containing signatures and that the signatures appended thereto were made in my presence and are the genuine signatures of the persons whose names they purport to be."

Subscribed and sworn to before me this ____ day of _____, ____.

	This petition, if found insufficient by the City Clerk, shall be returned to _____, at Number ____ Street. I hereby indicate my willingness to accept the office of _____ if duly elected thereto.		
Section	Language As Is	City Attorney Comments	City Staff Comments
4.08	WRITE-IN CANDIDATES A candidate for any city office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the seventh (7th) day before the primary, general or special municipal election. The city clerk shall provide the form to make the request.		
Section	Language As Is	City Attorney Comments	City Staff Comments
4.09	CANVASS OF ELECTIONS AND TAKING OF OFFICE. If more than two candidates filed for office, the Council must meet and canvass the primary election returns on the third calendar day after any primary election. The two candidates for each office who receive the highest number of votes shall be nominees for the office named. Their names shall be certified by the city clerk to the county auditor who shall place them on the municipal general election ballot without partisan designation. The Council shall meet and canvas the general (regular) election or special election returns between the third and tenth calendar days after any regular or special election, shall make full declaration of the results, and file a statement thereof with the City Clerk. Said statement shall be made a part of the minutes. This statement shall include:	The same office? The statute also allows the results to be canvassed on the second day (Minn. Stat. 205.065, subd. 5). This statement is not required by the statute, but the Charter can require it.	The Commission could consider removing this Section. All of this is restated from M.S. 205.185. The City must comply with certifying election results at a Board of Canvass meeting.

	(a) the total number of votes cast; the total number of individuals registered before 7:00 am on election day and the total number of individuals registering on election day; (c) the total votes cast for each candidate, with a declaration of those who are elected; (d) a true copy of the ballots used; (e) the names of the judges of election; and (f) such other information as may seem pertinent. The City Clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office.		
--	--	--	--

Exhibit D

FRIDLEY CITY CHARTER

CHAPTER 4. NOMINATIONS AND ELECTIONS

Section 4.01. GENERAL ELECTION LAWS TO APPLY.

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of eligible voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this Charter. The Council shall, through ordinances duly adopted in compliance with such state laws and this Charter, adopt suitable and necessary regulations for the conduct of such elections. (Ref. Ord. 857)

Section 4.02. REGULAR MUNICIPAL ELECTIONS.

On the first Tuesday after the first Monday in November, municipal general elections shall be held, at such place or places as the City Council may designate by resolution. General municipal elections shall be held every even numbered year. The Council may divide the City into as many voting precincts as it may from time to time deem necessary. Each ward shall constitute at least one (1) voting precinct and no precinct shall be in more than one (1) ward. At least fifteen (15) days' notice shall be given by the City Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one (1) public place in each voting precinct and by publishing a notice thereof at least once in the official newspaper of the City, but failure to give such notice shall not invalidate such election. (Ref. Ord 1252)

Section 4.03. PRIMARY ELECTIONS.

There shall be a primary election, on the date established by Minnesota State Law, for the selection of two (2) nominees for each elective office at the regular municipal election, unless only two (2) nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary. (Ref Ord 1269)

Section 4.04. SPECIAL ELECTIONS.

The Council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that three (3) weeks' published notice shall be given of said special election. The procedure at such elections shall conform as nearly as possible to that herein provided for other municipal elections and Minnesota Election Laws. Special elections for vacancies in the City Council shall be held in accordance with provisions of Section 2.06 (Ref. Ord. 1034, 1305)

Section 4.05. JUDGES OF ELECTION.

The Council shall at least twenty-five (25) days before each municipal election appoint two (2) eligible voters for each voting precinct to be election judges and one (1) registered voter to be head election judge; or as many election judges as may be determined by the city clerk. No person signing or

Commented [SSJ1]: The statute requires only two weeks (14 days) published notice and 10 days' posted notice. The notice must also be posted in the City Clerk's office for public inspection..

Commented [SSJ2]: Should say "offices" to be filled and also "all propositions or questions to be voted upon". The notice should also give the location of each polling place. This is per Minnesota Statutes Section 205.16, subdivision 1.

Commented [SSJ3]: The statute does not say this.

Commented [SSJ4]: There are also other notice requirements in the statute. Not sure if the Commission wants to mention them or not (Secretary of State, Auditor, etc.). There is also a sample ballot requirement (posting and publication) in the statute.

Commented [SSJ5]: Statute only requires a motion, not a resolution (although Charter can be more restrictive).

Commented [SSJ6]: May want to mention that the special election must be on a subject that the voters are authorized by law or charter to pass judgment.

Commented [SSJ7]: A special election can only be held on certain dates (see Minnesota Statutes Section 205.10, subdivision 3a). A charter city cannot designate additional dates in its charter.

Commented [SSJ8]: Notice requirements are the same as for general elections (two weeks notice), but I suppose the charter can require more notice.

Commented [SSJ9]: State law requires at least four election judges for each precinct (unless the precinct has less than 500 registered voters, then only 3 are required). One of the four election judges should be appointed the head election judge for that precinct.

Adopted 04-22-2013

FR520-8-851182.v2

Exhibit D

circulating a petition of nomination of candidate for election to office or any member of a committee petitioning for a referendum or recall shall be eligible to serve as a judge of such **election**. (Ref. Ord. 592, Ord. 873, 1230, 1305)

Section 4.06. NOMINATIONS BY PETITION.

The mode of nomination of all elective officers provided for by this Charter shall be by **petition**. The name of any eligible voter of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in that person's behalf with the City Clerk. Such petition shall be signed by at least ten (10) registered voters qualified to vote for the office in question. No elector shall sign more than one petition for any office for which there is an election. Should such a case occur, the signature shall be void as to the petition or petitions last filed. All nomination petitions shall be filed with the City Clerk in accordance with Minnesota State Statutes. Each petition, when presented, must be accompanied by a ten dollar (\$10.00) filing fee. (Ref. Special Election 4/12/60, General Election 11/3/64, Ord. 825, Ord. 857, Ord. 921,)

Section 4.07. NOMINATION PETITIONS.

The signatures to the nomination petition need not all be appended to one (1) paper, but to each separate paper there shall be attached a notarized affidavit of the circulator stating:

- (1) the number of signers of such paper;
- (2) that each signature appended thereto was made in the circulator's presence; and
- (3) that it is the genuine signature of the person whose name it purports to be.

With each signature there shall be the printed name, birth year, and address of the signer, giving the street and number or other description sufficient to identify the same. The nominee shall indicate by an endorsement upon the petition acceptance of the office if elected thereto. The form of the nomination petition shall be substantially as follows:

NOMINATION **PETITION**

We, the undersigned, registered voters of the City of Fridley, hereby nominate ____, whose residence is ____, for the office of ____, to be voted for at the election to be held on the ____ day of ____, ____; and we individually certify that we are registered voters and that we have not signed other nomination petitions of candidates for this office.

Printed Name	Birth Year	Address	Signature

_____, being duly sworn, deposes and says, "I am the circulator of the foregoing petition paper containing signatures and that the signatures appended thereto were made in my presence and are

Commented [SSJ10]: There are additional requirements for election judges that are set forth in Minnesota Statutes Section 204B.19. These requirements are not listed in the statutory requirements but the statute does say that a city may establish additional requirements that are not inconsistent with the statute and which relate to the ability of an individual to perform the duties of an election judge.

Commented [SSJ11]: I thought that this was a little strange (that the council members/mayor must be nominated for office by petition), but Minnesota Statutes Section 410.16 seems to allow for it ("the charter commission may provide that all elective city officers, including mayor and members of the council, shall be elected at large or otherwise").

Commented [SSJ12]: May want to require that this be on each page of the petition.

Commented [MM13R12]: This introductory paragraph should be on each page of the petition.

Adopted 04-22-2013

Exhibit D

the genuine signatures of the persons whose names they purport to be."

Subscribed and sworn to before me this ____ day of _____, ____.

This petition, if found insufficient by the City Clerk, shall be returned to _____, at Number ____ Street.

I hereby indicate my willingness to accept the office of _____ if duly elected thereto. (Ref. Ord. 857, 1305).

Section 4.08. WRITE-IN CANDIDATES

A candidate for any city office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the seventh (7th) day before the primary, general or special municipal election. The city clerk shall provide the form to make the request. (Ref Ord 1305)

Section 4.09. CANVASS OF ELECTIONS AND TAKING OF OFFICE.

If more than two candidates filed for office, the Council must meet and canvass the primary election returns on the third calendar day after any primary election. The two candidates for each office who receive the highest number of votes shall be nominees for the office named. Their names shall be certified by the city clerk to the county auditor who shall place them on the municipal general election ballot without partisan designation. The Council shall meet and canvas the general (regular) election or special election returns between the third and tenth calendar days after any regular or special election, shall make full declaration of the results, and file a statement thereof with the City Clerk. Said statement shall be made a part of the minutes. This statement shall include:

- (a) the total number of votes cast;
- (b) the total number of individuals registered before 7:00 am on election day and the total number of individuals registering on election day;
- (c) the total votes cast for each candidate, with a declaration of those who are elected;
- (d) a true copy of the ballots used;
- (e) the names of the judges of election; and
- (f) such other information as may seem pertinent.

The City Clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office. (Ref. Ord. 1269, 1305)

Commented [SSJ14]: The same office?

Commented [SSJ15]: The statute also allows the results to be canvassed on the second day (Minn. Stat. 205.065, subd. 5).

Commented [SSJ16]: This statement is not required by the statute, but the Charter can require it.

Exhibit E

FRIDLEY CITY CHARTER

CHAPTER 4. NOMINATIONS AND ELECTIONS

Section 4.01. GENERAL ELECTION LAWS TO APPLY.

Except as hereinafter provided, the general laws of the State of Minnesota pertaining to registration of eligible voters and the conduct of primary and general elections shall apply for all municipal elections of such officers as are specified in this Charter. The Council shall, through ordinances duly adopted in compliance with such state laws and this Charter, adopt suitable and necessary regulations for the conduct of such elections. (Ref. Ord. 857)

Commented [MM1]: This section could be removed. The City is required to follow all State laws pertaining to elections.

Or the section could say

Section 4.02. REGULAR MUNICIPAL ELECTIONS.

On the first Tuesday after the first Monday in November, municipal general elections shall be held, at such place or places as the City Council may designate by resolution. General municipal elections shall be held every even numbered year. The Council may divide the City into as many voting precincts as it may from time to time deem necessary. Each ward shall constitute at least one (1) voting precinct and no precinct shall be in more than one (1) ward. At least fifteen (15) days' notice shall be given by the City Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one (1) public place in each voting precinct and by publishing a notice thereof at least once in the official newspaper of the City, but failure to give such notice shall not invalidate such election. (Ref. Ord 1252)

Commented [MM2]: Required by M.S. 205.07 subd. 1.

Commented [MM3]: Required by M.S. 204B.14 subd. 1 and M.S. 204B.14 subd. 3(f).

Commented [MM4]: Required by M.S. 205.16 subds. 1-3.

Section 4.03. PRIMARY ELECTIONS.

There shall be a primary election, on the date established by Minnesota State Law, for the selection of two (2) nominees for each elective office at the regular municipal election, unless only two (2) nominees file for each elective office. Primary municipal elections shall be held every even numbered year, if necessary. (Ref Ord 1269)

Commented [MM5]: M.S. 205.065 Subd. 1 requires a primary for the purpose of nominating candidates to a City General Election in August of even numbered years.

M.S. 205.065 Subd. 4 establishes a threshold for when a Primary would be triggered. If no more than twice the number of candidates file for the number of seats open, then no Primary is required.

Commented [MM6]: Required by M.S. 205.10.

Commented [MM7]: I assume this needs to be updated to Section 2.07 (Vacancies in the Council) section of the Charter.

Section 4.04. SPECIAL ELECTIONS.

The Council may by resolution order a special election, fix the time of holding the same, and provide all means for holding such special election, provided that three (3) weeks' published notice shall be given of said special election. The procedure at such elections shall conform as nearly as possible to that herein provided for other municipal elections and Minnesota Election Laws. Special elections for vacancies in the City Council shall be held in accordance with provisions of Section 2.06 (Ref. Ord. 1034, 1305)

Section 4.05. JUDGES OF ELECTION.

The Council shall at least twenty-five (25) days before each municipal election appoint two (2) eligible voters for each voting precinct to be election judges and one (1) registered voter to be head election judge; or as many election judges as may be determined by the city clerk. No person signing or circulating a petition of nomination of candidate for election to office or any member of a committee petitioning for a referendum or recall shall be eligible to serve as a judge of such election. (Ref. Ord. 592, Ord. 873, 1230, 1305)

Commented [MM8]: Required by M.S. 204B.21.

Adopted 04-22-2013

Exhibit E

Section 4.06. NOMINATIONS BY PETITION.

The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any eligible voter of the City shall be printed upon the ballot whenever a petition as hereinafter prescribed shall have been filed in that person's behalf with the City Clerk. Such petition shall be signed by at least ten (10) registered voters qualified to vote for the office in question. No elector shall sign more than one petition for any office for which there is an election. Should such a case occur, the signature shall be void as to the petition or petitions last filed. All nomination petitions shall be filed with the City Clerk in accordance with Minnesota State Statutes. Each petition, when presented, must be accompanied by a ten dollar (\$10.00) filing fee. (Ref. Special Election 4/12/60, General Election 11/3/64, Ord. 825, Ord. 857, Ord. 921,)

Section 4.07. NOMINATION PETITIONS.

The signatures to the nomination petition need not all be appended to one (1) paper, but to each separate paper there shall be attached a notarized affidavit of the circulator stating:

- (1) the number of signers of such paper;
- (2) that each signature appended thereto was made in the circulator's presence; and
- (3) that it is the genuine signature of the person whose name it purports to be.

With each signature there shall be the printed name, birth year, and address of the signer, giving the street and number or other description sufficient to identify the same. The nominee shall indicate by an endorsement upon the petition acceptance of the office if elected thereto. The form of the nomination petition shall be substantially as follows:

NOMINATION PETITION

We, the undersigned, registered voters of the City of Fridley, hereby nominate _____, whose residence is _____, for the office of _____, to be voted for at the election to be held on the ____ day of _____, ____; and we individually certify that we are registered voters and that we have not signed other nomination petitions of candidates for this office.

Printed Name	Birth Year	Address	Signature

_____, being duly sworn, deposes and says, "I am the circulator of the foregoing petition paper containing signatures and that the signatures appended thereto were made in my presence and are the genuine signatures of the persons whose names they purport to be."

Subscribed and sworn to before me this ____ day of _____, ____.

This petition, if found insufficient by the City Clerk, shall be returned to _____, at Number ____ Street.

I hereby indicate my willingness to accept the office of _____ if duly elected thereto. (Ref. Ord. 857, 1305).

Adopted 04-22-2013

Exhibit E

Section 4.08. WRITE-IN CANDIDATES

A candidate for any city office who wants write-in votes for the candidate to be counted must file a written request with the filing office for the office sought no later than the seventh (7th) day before the primary, general or special municipal election. The city clerk shall provide the form to make the request. (Ref Ord 1305)

Section 4.09. CANVASS OF ELECTIONS AND TAKING OF OFFICE.

If more than two candidates filed for office, the Council must meet and canvass the primary election returns on the third calendar day after any primary election. The two candidates for each office who receive the highest number of votes shall be nominees for the office named. Their names shall be certified by the city clerk to the county auditor who shall place them on the municipal general election ballot without partisan designation. The Council shall meet and canvass the general (regular) election or special election returns between the third and tenth calendar days after any regular or special election, shall make full declaration of the results, and file a statement thereof with the City Clerk. Said statement shall be made a part of the minutes. This statement shall include:

- (a) the total number of votes cast;
- (b) the total number of individuals registered before 7:00 am on election day and the total number of individuals registering on election day;
- (c) the total votes cast for each candidate, with a declaration of those who are elected;
- (d) a true copy of the ballots used;
- (e) the names of the judges of election; and
- (f) such other information as may seem pertinent.

The City Clerk shall forthwith notify all persons elected of the fact of their election, and the persons elected shall take office at the time provided for by Section 3.01, upon taking, subscribing and filing with the City Clerk the required oath of office. (Ref. Ord. 1269, 1305)

Commented [MM9]: The Commission could consider removing this Section. All of this is restated from M.S. 205.185. The City must comply with certifying election results at a Board of Canvass meeting.

Adopted 04-22-2013



AGENDA REPORT

Meeting Date: May 1, 2023

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Debrief from Joint Meeting with the Fridley City Council

Background

The Fridley Charter Commission met with the Fridley City Council on April 3, 2023.

As a result of that meeting, and to comply with State law, the Council will be asked to approve Resolution No. 2023-38 (attached) on April 24, 2023.

Recommendation

Staff recommends the Commission discuss the April 3, 2023 meeting with the Fridley City Council, and direct staff on any additional follow-up it may deem necessary.

Attachments and Other Resources

- City Council Resolution No. 2023-38 and Agenda Report

Vision Statement

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