



Charter Commission Meeting

March 06, 2023

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

Agenda

Notice of Hybrid Meeting

Pursuant to Minnesota Statute § 13.02 the March 6, 2023 meeting will be a hybrid meeting. Commissioner Rick Nelson will be attending via Zoom from 7575 W. Battaglia Drive Lot E-22, Casa Grande, AZ 85193. Commissioner Pam Reynolds will be attending via Zoom from 1241 Norton Avenue NE, Fridley, MN 55432 Virtual:

<https://us06web.zoom.us/j/88381936019?pwd=T1h1TjVSRmRQeUhNeFRoNXFaWFJTdz09>

Meeting ID: 883 8193 6019. Passcode: 447566. Call in: 305-224-1968

Call to Order

Roll Call

Approval of Agenda

Approval of Meeting Minutes

- [1.](#) Approval of February 6, 2023 Charter Commission Meeting Minutes

Administrative Matters

- [2.](#) Election of Officers
- [3.](#) 2023 Member List
- [4.](#) Establishing Agenda Topics for a Joint Meeting with the Fridley City Council
- [5.](#) Revised Bylaws

Old Business

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

New Business

Future Meeting Topics/Communications

- [7.](#) 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 6, 2023

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Approval of February 6, 2023 Charter Commission Meeting Minutes

Background

Attached are the minutes from February 6, 2023 for the Commission's consideration.

Recommendation

Staff recommend the approval of the February 6, 2023 Charter Commission Meeting Minutes.

Attachments and Other Resources

- February 6, 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
February 6, 2023
7:00 p.m.
Fridley Civic Campus, 7071 University Ave N.E.

Minutes

Call to Order

Chair Rick Nelson called the meeting to order at 7:01 p.m.

Roll Call

Present: Gary Braam
 Kelli Brillhart
 Donald Findell
 Greg Gardner
 Ibsen Gabriel (arrived at 7:10)
 Steven Kisner
 Ted Kranz
 Rick Nelson
 Oluwaysei Olawore (arrived at 7:07)
 Valerie Rolstad
 Cynthia Soule
 Avonna Starck

Absent: Manuel Granroos, Nikki Karnopp, Pam Reynolds

Others Present: Beth Kondrick, Deputy City Clerk
 Melissa Moore, City Clerk
 Ryan Evanson, Councilmember Ward 2
 Mohamed Barre

Approval of Agenda

Chair Nelson asked to add an item under Administrative Matters for acceptance of a resignation letter from the Commission. Motion by Commissioner Braam to approve the amended meeting agenda. Seconded by Commissioner Brillhart.

Upon a roll call vote, Braam, Brillhart, Findell, Gardner, Kisner, Kranz, Nelson, Rolstad, Soule and Starck voting aye, Chair Nelson declared the motion carried.

Approval of Meeting Minutes

1. Approval of January 10, 2023 Charter Commission Meeting Minutes

Motion by Commissioner Braam to approve the meeting minutes. Seconded by Commissioner Findell.

Upon a roll call vote, Braam, Brillhart, Findell, Gardner, Kisner, Kranz, Nelson, Rolstad, Soule and Starck voting aye, Chair Nelson declared the motion carried.

Administrative Matters

2. 2023 Member List

Printed copies of the 2023 Member List were made available. A change was noted to new Commissioner Kisner's phone number.

3. Election of Vacated Vice Chair Position

The Commission discussed keeping the vacated Vice Chair position open until the next meeting when elections will be held for officer positions.

Motion by Commissioner Kranz to keep the Vice Chair position vacant until next the meeting. Seconded by Commissioner Kisner.

Upon a roll call vote, Braam, Brillhart, Findell, Gardner, Kisner, Kranz, Nelson, Olawore, Rolstad, Soule and Starck voting aye, Chair Nelson declared the motion carried.

4. Nominating Committee Report

The Nomination Committee met after the end of last month's meeting and have nominated the following for officers: Chair: Rick Nelson, Vice Chair: Manuel Granroos, Secretary: Valerie Rolstad.

Motion by Commissioner Gardner to accept the nominations. Seconded by Commissioner Braam.

Upon a roll call vote, Braam, Brillhart, Findell, Gardner, Kisner, Kranz, Nelson, Olawore, Rolstad, Soule and Starck voting aye, Chair Nelson declared the motion carried.

5. Review of Bylaws

Discussion was held on accepting changes to the Bylaws as provided in the agenda.

Motion by Commissioner Brillhart to accept the changes to the Bylaws as written. Seconded by Commissioner Rolstad.

Upon a roll call vote, Braam, Brillhart, Findell, Gabriel, Gardner, Kisner, Kranz, Nelson, Olawore, Rolstad, Soule and Starck voting aye, Chair Nelson declared the motion carried.

6. Establishing Agenda Topics with the City Council

Ms. Moore asked the Commission to review topics they would like to discuss with the City Council. Ideas generated by the Commission and staff were:

- Discussing a yearly reoccurring meeting for both bodies.
- Is there a particular chapter of the Charter that the Council recommends for review? Are there any "problems" that the Council sees with any chapter that the Commission should consider?
- Are Councilmembers hearing any feedback from residents on any matters related to the Charter?
- The Commission has begun a review of Chapter 4, Nominations and Elections. Are there items the Council would like to discuss regarding the content of that chapter?
- Are there any other areas or items the Council would like to discuss with the Commission?

Chair Nelson stated that the Commission will discuss this again at the March meeting and staff will provide an update ahead of the joint April meeting.

6a. Resignation of Commissioner Soule

Commissioner Soule submitted a resignation in writing to Chair Nelson effective February 7, 2023. Ms. Moore reminded the Commission that at their January meeting they approved a motion to approve Mohammed Barre to the Commission immediately upon an opening to the Commission. Staff will begin preparing correspondence with the Chief Judge to arrange for the appointment.

Motion by Commissioner Rolstad to accept Commissioner Soule's resignation. Seconded by Commissioner Brillhart.

Upon a roll call vote, Braam, Brillhart, Findell, Gabriel, Gardner, Kisner, Kranz, Nelson, Olawore, Rolstad, Soule and Starck voting aye, Chair Nelson declared the motion carried.

New Business

7. Review of Chapter 4 – Nominations and Elections

Ms. Moore presented two copies of Chapter 4 with comments from the City Attorney and staff. Chair Nelson suggested reviewing each section one at a time. Discussions were held on some of the proposed edits and whether some sections could be removed due to being listed in State Statute. In sections 4.01 and 4.02, recommend changing the word "officer" to "office." In section 4.02 to change the notification period from 15 days to 14 to be in line with State law. Chair Nelson suggested the Commission continue the review of Chapter 4 at its next meeting in March.

Future Meeting Topics

8. Future Meeting Topics

The Commission reviewed the items to be on the March agenda will be review of Chapter 4 starting with section 4.03, Election of Officers, updated 2023 member list with the addition of Mr. Barre, and topics to discuss with the City Council. Staff added that a review of Chapters 5 and 7 are also on the list of topics for future consideration.

Adjournment

Motion by Commissioner Rolstad, to adjourn. Seconded by Commissioner Brillhart.

Upon a roll call vote, Braam, Brillhart, Findell, Gabriel, Gardner, Kisner, Kranz, Nelson, Olawore, Rolstad, Soule and Starck voting aye, Chair Nelson declared the motion carried.

The meeting adjourned at 8:26 p.m.



AGENDA REPORT

Meeting Date: March 6, 2023

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 6, 2023 meeting the Commission approved a motion accepting the Nominating Committee's report. Nominated were Rick Nelson for Chair, Manuel Granroos for Vice Chair, and Valerie Rolstad 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. Because this evening's meeting was noticed as a hybrid meeting, to comply with Minnesota Statute (M.S.) § 13D.01 subd. 4, and M.S. § 13D.02 all votes must be read aloud and recorded into the minutes. Any Commissioner participating remotely, whose participation complied with M.S. § 13D.02, may hold up their ballot for recording.

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: Manuel Granroos ☐

Nomination from the floor ☐ _____

Secretary: Valerie Rolstad ☐

Nomination from the floor ☐ _____



AGENDA REPORT

Meeting Date: March 6, 2023

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

2023 Member List

Background

Attached is a list of members of the Fridley Charter Commission with Commissioner Barre's information added.

Recommendation

None.

Attachments and Other Resources

- 2023 Member List

Vision Statement

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



2023 Charter Commission Membership

Item 3.

Name/Address	Ward	Phone	Email	Appointed	Term Exp.
Mohamed Barre 7509 Lyric Lane NE Fridley, MN 55432	1	(h) 612-242-1513 (w) 612-348-4997	Junlay99@aol.com	xx-xx-23	xx-xx-27
Gary Braam 1436 66th Avenue Fridley, MN 55432	2	(h) 763-571-9582 (w) 763-528-1214	gbraam@msn.com	06-01-04 02-05-08 02-13-12 05-27-16 05-31-20	05-31-08 05-31-12 05-31-16 05-31-20 05-31-24
Kelli Brillhart 830 W. Moore Lake Drive Fridley, MN 55432	2	651-247-6084 (w) 763-505-4888	k340029@gmail.com	02-23-18 05-26-21	09-19-21 05-01-25
Donald Findell 6850 Siverts Lane Fridley, MN 55432	2	(h) 763-571-0467 (c) 612-867-9954	donfinder@aol.com	06-16-97 02-21-01 05-04-05 02-04-09 05-24-13 05-03-17 05-01-21	05-11-01 05-01-05 05-01-09 05-01-13 05-01-17 05-01-21 05-01-25
Gregory Gardner 5829 Hackmann Ave. N.E. Fridley, MN 55432	2	(h) 763-571-8821	gardnergregg@msn.com	03-01-22	03-01-26
Manuel Granroos 1114 63rd Avenue N.E. Fridley, MN 55432	2	(h) 763-571-0811 (c) 612-710-0332	mannyjg2389@gmail.com	10-21-14 09-14-22	09-02-22 09-02-26
Nikki Karnopp 482 Rice Creek Terrace N.E. Fridley, MN 55432	1	612-709-6452	nikkikarnopp@gmail.com	02-03-20	02-03-24
Steven Kisner 5871 W. Moore Lake Drive Fridley, MN 55432	2	763-300-8888	spkisner@yahoo.com	01-10-23	01-10-27



2023 Charter Commission Membership

Item 3.

Ted Kranz 6701 Monroe Street N.E. Fridley, MN 55432	1	(h) 763-571-4387	tkranz1@comcast.net	08-11-06 03-29-10 10-21-14 04-06-18 04-22-22	04-22-10 04-22-14 04-22-18 04-22-22 04-22-26
Ibsen Gabriel Maldonado 209 Rice Creek Blvd. N.E. Fridley, MN 55432	3	(h) 612-226-8544	dni2194@msn.com	02-01-22	02-01-26
Rick Nelson 4624 2 1/2 Street N.E. Fridley, MN 55421	3	(c) 612-963-2487	rickvan16@hotmail.com	05-12-11 02-13-12 05-27-16 02-21-20	02-13-12 02-21-16 02-21-20 02-21-24
Oluwaseyi Olawore 554 Lafayette Street N.E. Fridley, MN 55432	3	(c) 952-855-2094	oluwaseyi@siagtl.com	05-01-21	05-01-25
Pam Reynolds 1241 Norton Avenue N.E. Fridley, MN 55432	2	(c) 763-222-9386	fnpam@hotmail.com	05-12-05 03-22-07 04-04-11 05-04-15 11-04-19	05-01-07 05-01-11 05-01-15 05-01-19 11-04-23
Valerie Rolstad 1100 Lynde Drive Fridley, MN 55432	2	(c) 612-799-5993	valerier13@gmail.com	02-15-17 05-03-17 05-01-21	05-01-17 05-01-21 05-01-25
Avonna Starck 650 67 th Avenue N.E. Fridley, MN 55432	1	(h) 612-423-6939	avonna.caroline@gmail.com	05-22-15 11-04-19	05-04-19 11-04-23



AGENDA REPORT

Meeting Date: March 6, 2023

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Establishing Agenda Topics for a Joint Meeting with the Fridley City Council

Background

At its January 10, 2023 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 consider specific topics it would like to discuss with the Council. Doing so will also ensure the City can properly notice the topics to be discussed pursuant to meeting notice requirements in State law.

At its February 6, 2023 meeting the Commission contemplated topics to discuss with the Council.

Suggested topics included:

- Setting a yearly reoccurring meeting for both bodies.
- Is there a particular chapter of the Charter that the Council recommends for review? Are there any "problems" that the Council sees with any chapter that the Commission should consider?
- Are Councilmembers hearing feedback from residents on any matters related to the Charter?
- The Commission has begun a review of Chapter 4, Nominations and Elections. Are there items the Council would like to discuss regarding the content of that chapter?
- Are there any other areas or items the Council would like to discuss with the Commission?

Recommendation

Staff recommend the Commission consider any additional topics it may wish to discuss with the Council on April 3, 2023.

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 6, 2023

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Revised 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).

Recommendation

None.

Attachments and Other Resources

- Approved 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 6, 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.

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 A). If the Commission would like to read the comments separated, attached are the City Attorney's legal review (Exhibit B) and staff's review (Exhibit C).

Recommendation

Staff recommend the Commission review Chapter 4 and discuss updates.

Attachments and Other Resources

- Exhibit A: Combined comments on Chapter 4
- Exhibit B: Chapter 4 legal review
- Exhibit C: Chapter 4 staff review

Vision Statement

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

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").	The City Charter should be amended to allow for candidates to file for office by filing an Affidavit of Candidacy so to not appear as though the standard for filing for office is too onerous for candidates who may not be associated with any of the major political parties. For some context, M.S. 205.121 and M.S. 205.13 say either 500 signers, or 2% of the total number of votes cast in a respective ward in the last preceding General Election, whichever is greater, is the threshold for first class cities. Restriction on electors signing more than one petition for any office is found in M.S. 204B.08.
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	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.

	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; - 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.		
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Exhibit B

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 B

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 B

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 C

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 C

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,)

Commented [MM9]: For some context, M.S. 205.121 and M.S. 205.13 say either 500 signers, or 2% of the total number of votes cast in a respective ward in the last preceding General Election, whichever is greater, is the threshold for first class cities.

Commented [MM10]: Required by M.S. 204B.08.

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 C

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)

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- (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 [MM11]: 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: March 6, 2023

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Future Meeting Topics

Background

Future meeting topic items requested by commissioners:

- Chapter No. 5: Initiative, Referendum and Recall
- Chapter No. 7: Taxation and Finances.

Recommendation

None.

Attachments and Other Resources

Vision Statement

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