



Charter Commission Meeting

October 07, 2024

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

Agenda

Pursuant to Minnesota Statute § 13.02 the October 7, 2024 meeting will be a hybrid meeting. Commissioner Rick Nelson will be attending via Zoom from 7591 West Battaglia Drive, Lot B-10, Casa Grande, AZ 85193.

Virtual: <https://us06web.zoom.us/j/86487077785?pwd=5MWISkaMM8FF5PV3nmBxMnvgZa5u7B.1>

Meeting ID: 864 8707 7785 Passcode: 186833. Call in: 312-626-6799.

Call to Order

Roll Call

Approval of Agenda

Approval of Meeting Minutes

- [1.](#) Approval of September 10, 2024 Charter Commission Meeting Minutes

Administrative Matters

- [2.](#) 2025 Charter Commission Meeting Dates
- [3.](#) 2024 Annual Report
- [4.](#) Resignation of Kelli Brillhart

Old Business

- [5.](#) Chapters 5 Review

New Business

Future Meeting Topics/Communications

- [6.](#) Future Meeting Topics

Adjournment

Accessibility Notice:

- If you need free interpretation or translation assistance, please contact City staff.
- Si necesita ayuda de interpretación o traducción gratis, comuníquese con el personal de la ciudad.
- Yog tias koj xav tau kev pab txhais lus los sis txhais ntaub ntauv dawb, ces thov tiv tauj rau Lub Nroog cov neeg ua hauj lwm.

- Haddii aad u baahan tahay tarjumaad bilaash ah ama kaalmo tarjumaad, fadlan la xiriir shaqaalaha Magaalada.

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 CityClerk@FridleyMN.gov or (763) 572-3450.



AGENDA REPORT

Meeting Date: October 7, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Approval of September 10, 2024 Charter Commission Meeting Minutes

Background

Attached are the minutes from September 10, 2024 for the Commission's consideration.

Recommendation

Staff recommend the approval of the September 10, 2024 Charter Commission Meeting Minutes.

Attachments and Other Resources

- September 10, 2024 Charter Commission Meeting Minutes

Vision Statement

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



Charter Commission Meeting
September 10, 2024
7:00 PM
Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

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

Present

Mohammed Barre
Donald Findell
Greg Gardner
Clifford Johnson
Nikki Karnopp
Ted Kranz
Dave Linton
Audrey Nelson
Rick Nelson
Pam Reynolds
Valerie Rolstad
Doug Schmitz
Kathy Smith

Absent

Kelli Brillhart
Steven Kisner

Others Present

Melissa Moore, City Clerk/Communications Manager
Beth Kondrick, Deputy City Clerk
Dave Ostwald, City Council

Approval of Agenda

Motion to approve the agenda by Commissioner Rolstad, seconded by Commissioner Reynolds.

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

Approval of Meeting Minutes

1. Approval of May 20, 2024, Charter Commission Meeting Minutes
Commissioner Reynolds made a motion to approve the May 20, 2024 meeting minutes with correction to attendance, stating she was present. Seconded by Commissioner Johnson.

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

Administrative Matters

2. Updated Member List

Ms. Kondrick informed the Commission that an updated member list has been provided to reflect the addition of two new members.

3. 2025 Meeting Calendar

Ms. Moore shared the draft City calendar that includes City Council meetings, Advisory Commission meetings and City Holidays. The Commission was advised to use this calendar as a tool in selecting 2025 meeting dates that will be added to this official calendar. The Commission discussed dates and have selected January 13, February 3, March 3, April 7, May 5, September 2, October 6 and November 8 for 2025. April 7 has been proposed as the Joint meeting with the City Council. Ms. Moore will ask the City Manager if April 7 will work for the City Council.

Old Business

4. Chapter 5 Review

The Commission continued to review Chapter 5 for updates. A question was posed on section 5.03.1 asking about monetary rewards and if an opposing group to the petition would need to follow the same standards. Ms. Moore will pose this question to the City Attorney.

Discussion on section 5.03.2 and upping the required dollar amount from \$200 to \$1000. Motion to change to \$1000 by Commissioner Rolstad. Seconded by Commissioner Johnson.

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

In Section 5.03.4, will change "filed in the City Clerk" to "filed with the City Clerk."

In Section 5.03.8, insert "City Clerk" before the word "must".

A question was raised about section 5.03.9 and what the written instructions are. Ms. Moore will craft a sentence that clarifies that the petitioner will sign a form stating that they read and understand the written instructions.

Discussion was held on adding language to the definitions to clarify who is who with petitions such as petitioner, circulator, etc.

Motion to table the rest of Chapter 5 to the next meeting by Commissioner Karnopp. Seconded by Commissioner Barre.

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

New Business

5. 2024 Legislative Update

Ms. Moore provided information regarding the 2024 Legislative Update that was given to Cities by the League of MN Cities. City Management Danielle Herrick provided a report for the Commission's review. In short, Staff determined that none of the legislative changes appear to directly require amendments to the Charter at this time.

Future Meeting Topics/Communications

6. Future Meeting Topics

- Chapter 5, starting on section 5.03.9
- 2025 Calendar Approval

Adjournment

Motion by Commissioner Karnopp to adjourn the meeting. Seconded by Commissioner Rolstad. Upon a voice call vote, all voting aye, Chair Nelson declared the motion carried unanimously. The meeting adjourned at 7:59 p.m.



AGENDA REPORT

Meeting Date: October 7, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

2025 Charter Commission Meeting Dates

Background

At the September 10, 2024, Charter Commission Meeting, the Commission discussed meeting dates for the 2025 calendar year.

Attached is the City Calendar for 2025 with all City Council and Commissions meeting dates.

Recommendation

Staff recommend the Commission approve meeting dates for 2025.

Attachments and Other Resources

- 2025 City of Fridley Calendar

Vision Statement

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



2025 Calendar

January						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	

March						
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9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

April						
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13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May						
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25	26	27	28	29	30	31

June						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July						
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20	21	22	23	24	25	26
27	28	29	30	31		






August						
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31						

September						
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28	29	30				

October						
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November						
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23	24	25	26	27	28	29
30						

December						
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14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

-  **City Council | 7 p.m.**
2nd and 4th Monday
-  **HRA | 7 p.m.**
1st Thursday
-  **Environmental Quality | 7 p.m.**
2nd Tuesday
-  **Planning Commission | 7 p.m.**
3rd Wednesday
-  **Parks & Rec Commission | 7 p.m.**
1st Monday
-  **Public Arts Commission | 7 p.m.**
1st Wednesday
-  **Charter Commission | 7 p.m.**
-  **Holiday**
City offices closed
-  **Other dates**
April 21 | Commission appreciation dinner
April 26 | Town Hall
July 17 | Employee Picnic
September 18 | Employee Breakfast
December 4 | Annual Meeting



AGENDA REPORT

Meeting Date: October 7, 20234

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

2024 Annual Report

Background

Pursuant to Minnesota Statute § 410.05 Subd. 2, "the Commission shall submit to the Chief Judge of the District Court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year." Attached is a draft letter outlining work done in 2024 by the Charter Commission.

Recommendation

Staff recommend the Commission review the Annual Report, provide any direction on revisions, and make a motion to approve.

Attachments and Other Resources

- 2024 Annual Report

Vision Statement

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



Fridley Civic Campus

October 8, 2024

Honorable Stoney Hiljus
Tenth Judicial District
Kanabec County Courthouse
18 North Vine Street, Suite 318
Mora, MN 55051

Re: Fridley Charter Commission 2024 Annual Report

Dear Honorable Judge Hiljus,

Pursuant to Minnesota Statute § 410.05 Subd. 2, please accept this 2024 Annual Report of the Fridley Charter Commission (Commission).

The Commission met on the following dates in 2024: January 9, February 5, March 18, April 29, May 20, September 10 and October 7.

At its Annual Meeting the Commission held its election of officers and selected the following members to serve as its officers: Rick Nelson as Chair, Clifford Johnson as Vice Chair and Audrey Nelson as Secretary.

In 2024 the Commission:

- Conducted interviews and recommended Commissioners Audrey Nelson, Clifford Johnson, Kathy Smith and Douglas Schmitz for appointment to the Commission;
- Participated in training led by the League of Minnesota Cities;
- Held a joint meeting with the Fridley City Council;
- Approved the Commission's Bylaws; and
- Began work on updating the Initiative, Referendum and Recall Chapter of the City Charter.

If you have any questions or comments, please contact me.

Respectfully submitted,

A handwritten signature in blue ink that reads 'Melissa Moore'.

Melissa Moore
Staff Liaison, Fridley Charter Commission
City Clerk/Communications Manager
763-572-3523, melissa.moore@fridleymn.gov



AGENDA REPORT

Meeting Date: October 7, 2024

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Resignation of Kelli Brillhart

Background

Chair Brillhart has submitted a resignation from the Charter Commission (attached).

Recommendation

Staff recommend a motion to accept the resignation of Commissioner Brillhart. Staff recommend the Commission direct staff to advertise an opening on the Commission and call for applications.

Attachments and Other Resources

- Kelli Brillhart Resignation Letter

Vision Statement

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From: [Kelli Brillhart](#)
To: [Kondrick, Beth](#); [Moore, Melissa](#)
Cc: [Richard Nelson](#)
Subject: Re: Charter Commission Agenda Packet October 7. 2024
Date: Wednesday, October 02, 2024 5:00:11 PM
Attachments: [image001.png](#)

Beth and Melissa,

I am writing to let you know that I would like to resign from the Charter Commission effective immediately. While I have enjoyed my time on the commission and the work we do my life has changed recently and I no longer have the time and flexibility to attend meetings.

I would come in person to present this but I will be traveling for work and out of state on October 7. Please let me know if you need anything further or more formal for my resignation. I am also copying the chair for an FYI.

Thank you all.

Kelli Brillhart
830 W Moore Lake Drive NE
Fridley, MN 55432
Cell 651-247-6084

On Tue, Oct 1, 2024 at 9:35 AM Kondrick, Beth <Beth.Kondrick@fridleymn.gov> wrote:



AGENDA REPORT

Meeting Date: October 7, 2024

Meeting Type: Charter Commission

Submitted By: Melissa Moore, City Clerk/Communications Manager

Title

Chapters 5 Review

Background

At its February and March meetings the Charter Commission directed staff to draft further revisions to Chapter 5 for the Commission to consider at this evening's meeting. At the March meeting the Commission began working on Section 5.03 and then made a motion to table further review until this meeting.

Revisions to Chapter 5 draft

The remaining revisions throughout the draft reflect both staff and the City Attorney's suggested revisions based on Statute and updated writing styles.

Revisions to the draft directed from the September 10 meeting that are now in the draft include:

- Definition of petitioner was added.
- Definition of circulator was added.
- Definition of committee was added.
- In Section 5.03 changed the allowed expense amount to \$1,000.
- Staff recommend removing part nine of Section 5.03 because it could be misconstrued that the City will be providing legal advice, or advice in general, to a committee. Rather, staff have created the City Petition Guide (attached), as a tool to translate the City's legislative requirements for the general public. It is in no way an exhaustive explanation of all requirements, yet a jumping off point for those interested in learning more.

Opposition to initiatives

The Commission asked staff to inquire with the City Attorney regarding parts one and two of Section 5.03 if those regulations that apply to a committee would also apply to groups who may oppose an initiative. The City Attorney advised that a group in opposition to an initiative would not be unless they are creating an initiative themselves to promulgate an ordinance or recall and elected official, as is laid out in Section 5.01.

Financial reporting

The Commission also asked staff for more information on campaign finance filings. Attached is the Campaign Financial Report. Minnesota Statutes Chapter 211A that requires a "committee" or a

Vision Statement

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candidate who receives contributions or makes disbursements of more than \$750 in a calendar year to submit a financial report to the "filing officer" (City Clerk) within 14 days after the candidate receives or makes disbursements of more than \$750.

Recommendation

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

Attachments and Other Resources

- Chapter 5 Staff Review
- City Petition Guide
- Campaign Financial Report

Vision Statement

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

Fridley City Charter

Chapter 5. Initiative, Referendum and Recall

Section 5.01 Definitions

Circulator: a person who presents a petition to others for signature.

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

Committee: A group of five registered voters who sponsor a proposed initiative.

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

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

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

Nonfeasance: Neglect or refusal to perform official duties.

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

Petitioner: a person who initiates a petition.

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

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

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

Section 5.01-5.02 Powers Reserved by the People

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

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

- Initiate a petition to adopt an ordinance (except an ordinance appropriating money or authorizing the levy of taxes) to be voted on by the electorate;

- Require an ordinance when passed by the Council to be referred (referendum) to the electorate for approval or disapproval; and
- Recall any elected officer of the City.

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

Section 5.02. Expenditures by Petitioners

~~No member of any initiative, referendum, or recall committee, no circulator of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, monetary or otherwise, for service rendered in connection with the circulation thereof. This shall not prevent the committee from paying for legal advice and from incurring an expense not to exceed \$200 for stationery, copying, printing, and notaries' fees. A sworn statement substantiating such expenses shall be turned over to the City Clerk within five (5) days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section shall be reported by the City Clerk to the proper authorities for prosecution under State Statutes applying thereto.~~

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

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

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

2. Committees for an initiative, referendum or recall may pay for legal advice and incur related committee expenses not to exceed \$1,000. A sworn statement substantiating such expenses must be turned over to the City Clerk within five days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section must be reported by the City Clerk to the proper authorities pursuant to State law.

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

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

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

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

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

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

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

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

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

INITIATIVE

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

Any five ~~(5)~~-registered voters may form a committee for the initiation of any ordinance as provided in Section ~~5.03.015.02~~. Before circulating any petition the committee ~~shall~~must file a copy of the proposed ordinance with the City Clerk along with the names and addresses of members of said committee. The committee ~~shall~~must attach a verified copy of the proposed ordinance to each of the signature papers ~~herein described~~, along with their names and addresses as sponsors ~~thereof~~of the petition. ~~A verified copy of the proposed ordinance shall be a copy to which the~~The City Clerk ~~must affixes affix~~ the words: "Proposed Ordinance on File. Fridley City Clerk:____ Date:____" to the ordinance filed.

Section 5.05. Form of Initiative Petition ~~and of Signature Papers~~

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

INITIATIVE PETITION

Proposing an ordinance to _____ (stating the purpose of the ordinance), a copy of which ordinance is ~~hereto~~ attached. This ordinance is sponsored by the following committee of registered voters:

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

The undersigned registered voters, understanding the terms and the nature of the ordinance ~~hereto~~ attached, petition the Council for its adoption, or, ~~in lieu thereof~~, for its submission to the electorate for their approval.

Name (Please Print)	Birth Year	Address (Please Print)	Signature

At the end of each group of signatures papers ~~shall be appended~~must be the affidavit of the circulator ~~mentioned detailed~~ in Section ~~5.03.035.03.05~~.

Section 5.06. Filing of Initiative Petitions ~~and Action Thereon~~

Within ~~ten~~ (10) days after the filing of the completed petition, the City Clerk ~~shall ascertain by examination will determine if~~ the number of signatures ~~appended thereto~~submitted and ~~whether~~

~~this number~~ is at least ~~fifteen percent (15%)~~ of the total number of votes cast at the last ~~state general election~~ General Election in the City. If the City Clerk finds the petition insufficient or irregular, the City Clerk shall must at once notify one ~~(1)~~ or more members of the petition committee of that fact, stating the reasons for the insufficiency or irregularity. The committee shall will then be given ~~ten (10)~~ business days in which to file additional signature papers and to correct the petition in all other particulars with the City Clerk. The calculation of the ten business days begins on the date the letter is postmarked. The City Clerk shall may have five ~~(5)~~ business days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that period the petition is found to be still insufficient or irregular, the petition shall must be filed ~~in the City Clerk's office with the City Clerk~~ and no further action shall will be taken. The City Clerk shall must notify one ~~(1)~~ or more members of the petition committee of that fact.

Section 5.07. Action of the Council on Sufficient Initiative Petitions

A.1. Completed Petition With Signatures Under 25%

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

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

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

from that set forth in the petition, the Council ~~shall~~must call for an election and place the question on the ballot. If the petition is submitted by July 1st of an even year, the question ~~shall~~must be placed on the next regular municipal election ballot. If the petition is submitted after July 1st of an even year or during an odd year, the Council ~~shall~~may call for a special election subject to ~~Minnesota Election Law~~State law.

Section 5.08. Initiative Ballots

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

Section 5.09. Initiation of Charter Amendments

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

REFERENDUM

Section 5.10. ~~The~~Referendum Petitions

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

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

Section 5.11. Form of Referendum Petitions

Any five ~~(5)~~ registered voters may form a committee for the purpose of petitioning for a referendum as provided in Section 5.03.01. Before circulating any petition, the committee ~~shall~~must file a copy of the proposed referendum petition and a copy of the ordinance proposed to be repealed with the City Clerk along with the names and addresses of members of said committee. The committee ~~shall~~must attach a verified copy of the referendum and the ordinance to be repealed to each of the signature papers ~~herein described~~, along with their names and addresses as sponsors ~~thereof~~. A verified copy of the ordinance proposed to be repealed to the

referendum ~~shall~~ must be a copy to which the ~~city clerk~~ City Clerk has affixed the words: "Proposed Ordinance on File. Fridley City Clerk ____, Date ____." A referendum petition ~~shall~~ must read as follows:

REFERENDUM PETITION

Proposing the repeal of an ordinance to (stating the purpose of the ordinance), a copy of which ordinance is ~~hereto~~ attached. The proposed repeal is sponsored by the following committee of registered voters:

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

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

Name (Please Print)	Birth Year	Address (Please Print)	Signature
---------------------	------------	------------------------	-----------

~~At the end of each group of signatures papers shall be appended the affidavit of the circulator mentioned in Section 5.03.03. Each signature page must have the affidavit of the circulator attached.~~

Section 5.12. Filing of Referendum Petitions

1. Referendum Petition Proposing Repeal of Charter Amendment

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

2. Referendum Petition Proposing Repeal of an Ordinance

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

business days begins on the date the letter is postmarked. If at the end of that period the petition is found to be still insufficient or irregular, the petition ~~shall~~must be filed in the City Clerk's office, no further action ~~shall~~will be taken, and the ordinance ~~will become~~becomes effective immediately or on the date specified. The City Clerk ~~shall~~must notify one ~~(1)~~ or more members of the petition committee of that fact.

Section 5.13. Referendum Petitions; Suspension of Effect of Ordinance

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

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

Section 5.14. Action of the Council on Sufficient Referendum Petitions

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

Section 5.15. Referendum Ballots

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

RECALL

Section. 5.16. ~~The~~Recall Petitions

Any five ~~(5)~~ registered voters may form a committee for the purpose of bringing about the recall of any elected officer of the City as provided in Section 5.03.~~0103~~.

Before circulating any petition, the committee ~~shall~~must file with the City Clerk a copy of a statement naming the elected officer whose removal is sought, a statement of the grounds for removal in not more than ~~two hundred fifty (250)~~ words, and their intention to bring about the recall with their names and addresses as members of ~~said~~the circulating committee. The statement of grounds for removal of the elected officer must identify malfeasance or nonfeasance of conduct in the officer's performance of official duties. ~~Malfeasance constitutes an illegal or harmful act which an elected~~

~~official should not perform in an official capacity. Nonfeasance is the neglect or refusal to perform official duties.~~The committee shall must also attach a verified copy of said statement to each of the signature papers ~~herein described~~, together with their names and addresses as sponsors ~~thereof~~. A verified copy of said statement shall must be a copy to which the ~~city clerk shall~~City Clerk must affix the following words: "Proposed Recall Statement on File. Fridley City Clerk (Attest): _____ Date:_____.

Section 5.17 Form of Recall Petitions

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

RECALL PETITION

Proposing the recall of _____ from office as _____ ~~which recall is sought~~ for the reasons set forth in the attached statement. This movement is sponsored by the following committee of registered voters:

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

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

Name	Birth Year	Address	Signature

At the end of each group of signatures papers shall must be ~~appended attached~~ the affidavit of the circulator mentioned in Section 5.03.~~0305~~.

Section. 5.18 Filing of Recall Petitions

Within ~~thirty (30)~~ business days after the filing of the original proposed petition, the committee shall must file the completed petition ~~in the Office of~~with the City Clerk. The City Clerk shall must examine the petition within ~~the next ten (10)~~ business days, ~~and if~~ If the City Clerk finds ~~it the petition~~ irregular, or finds that the number of signers is less than ~~twenty five percent (25%)~~ of the total number of votes cast at the last ~~state general election~~General Election in the Ward or City represented by the office holder, the City Clerk shall must at once notify ~~one (1)~~ or more members of the petition committee

advising the reasons for the insufficiency or irregularity. The committee ~~shall then be given~~ may have ~~ten (10) business~~ days in which to file additional signature papers and to correct the petition in all other respects, but they may not change the statement of the grounds upon which the recall is sought. The calculation of the ten business days begins on the date the letter is postmarked. The City Clerk ~~shall will~~ have five ~~(5) business~~ days to verify the sufficiency of the additional signature papers or corrected petition. If at the end of that time the City Clerk finds the petition still insufficient or irregular, the City Clerk must notify at least one (1) or more of the members of the recall petition committee ~~shall be notified to that effect and the petition shall be filed in the City Clerk's office.~~ No further action shall may be taken ~~thereon~~.

Section. 5.19. Recall Election Procedure

If the petition or amended petition is found sufficient, the City Clerk ~~shall must~~ transmit it to the Council without delay, and ~~shall also officially~~ notify the person sought to be recalled of the sufficiency of the petition and of the pending action. ~~The Council shall at its next meeting, by resolution, provide for the holding of a special recall election subject to Minnesota Election Law. At its next regularly scheduled meeting, the Council must call for a special election, pursuant to State law.~~

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

~~The Clerk shall include with the published notice of the election the statement of the grounds for the recall and also, in not more than five hundred (500) words, the answer of the elected officer concerned in justification of his/her conduct in office. Candidates to succeed the officer to be recalled shall be nominated in the usual way, and the election shall be conducted, as far as possible, in accordance with the usual procedure in municipal elections.~~

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

Section ~~5.21~~ 5.20 Form of Recall Ballot

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

majority of those voting on the question of recall vote against recall (a majority voting "No"), the officer ~~shall~~will continue in office with no further action required.

~~Section 5.22. Instructions to Petitioners~~

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



CITY PETITION GUIDE

Purpose

Pursuant to the State Constitution, Minnesota Statutes and the Fridley City Charter (Charter), the people of the City of Fridley (City) have the power to initiate a petition for initiatives, referendums and recalls. To exercise these rights the Charter requires the use of a petition. This guide outlines the process and provides template forms anyone circulating a petition may use.

The information in this guide should not be construed as legal advice on the matter of petitions. There are different requirements applicable to other petition processes which are governed by State law, which are not addressed in this guide.

Definitions

Initiative: a proposed ordinance.

Petition: a formal written request to the Fridley City Council (Council) describing a proposed initiative and signed by supporting residents.

Recall: a proposed initiative to remove an elected official from office.

Referendum: a proposed initiative that seeks to prevent an existing law from taking effect.

Process

Anyone using this guide or anyone who plans to submit a petition should carefully read through the Initiative, Referendum and Recall Chapter of the Charter. The Chapter provides much more detail on the requirements for a properly submitted petition. The remainder of this guide provides a high-level overview of this process, but it is not exhaustive.

Committee

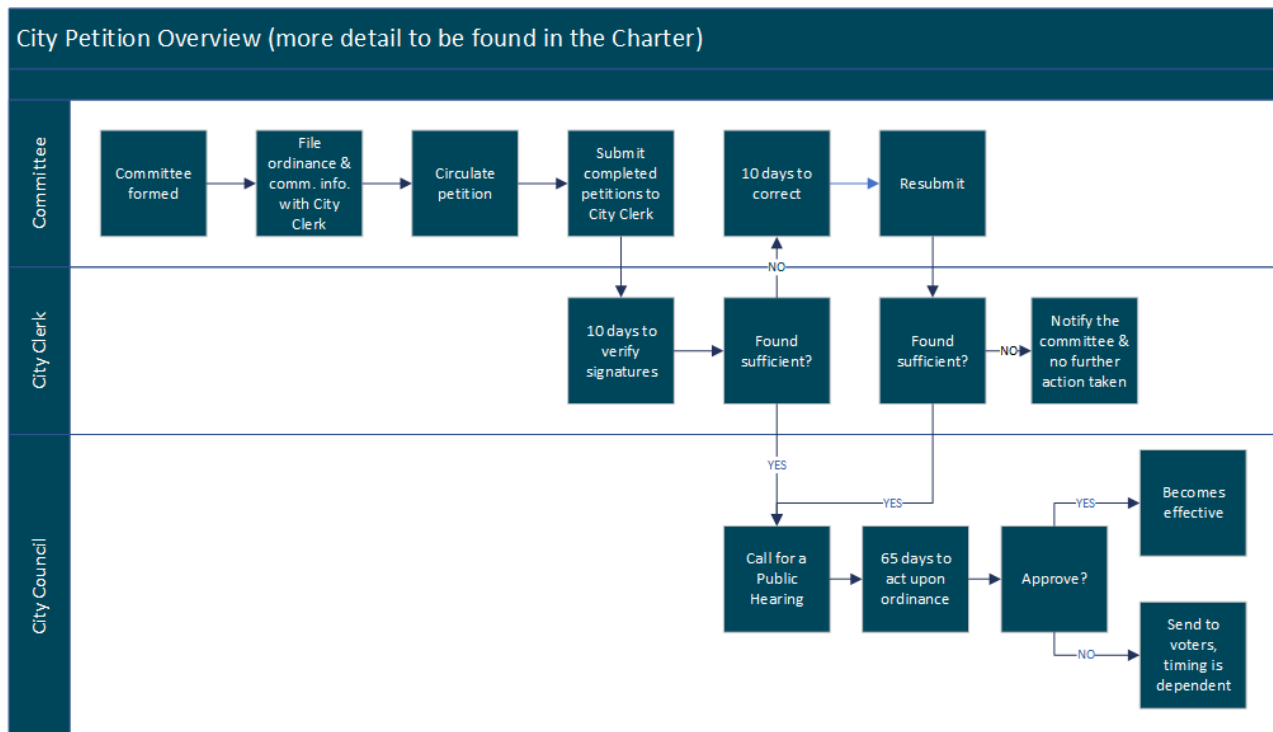
Any five registered voters may form a committee for a petition. Before circulating a petition, the committee must file a copy of the proposed ordinance with the City Clerk along with the names and addresses of members of the committee. A sample Committee Member Form is attached.

Regulations

Committees should carefully consider the regulations laid out in the Charter pertaining to prohibited actions and required activities for a properly submitted petition.

Timeline

Detailed below is an overview of a petition for an initiative. Generally, it is similar to timelines for recalls and referendums, but some differences do exist. Please refer to the Charter for more details.



Template Petition

This guide includes a template petition committees may choose to use for an initiative. It is not required to use this form. It is provided by the City as a tool that incorporates the requirements for petitions established by the Charter.

Submission

All petitions must be filed with the City Clerk, who will verify the documented information and signatures submitted. If the City Clerk finds any information provided has been falsely attested to, the City Clerk will notify the proper authorities.

Questions

If you have questions about the information shared in this Policy, please email CityClerk@FridleyMN.gov.

COMMITTEE MEMBER FORM

We, the following registered voters have formed a committee to propose an initiative in the City of Fridley. The proposed initiative is sponsored by the five committee members listed below. All information must be filled in by each committee member signing.

The data provided on this form will be used by the City to verify the validity of a petition. This data may be subject to disclosure in accordance with the Minnesota Government Data Practices Act.

Date of signature	Signature	Name	Address	Birth year	Phone	Email
1.						
2.						
3.						
4.						
5.						

CAMPAIGN FINANCIAL REPORT

(All of the information in this report is public information)

Name of candidate, committee or corporation _____

Office sought or ballot question _____ District _____

Type of report _____ Candidate report
 _____ Campaign committee report
 _____ Association or corporation report
 _____ Final report

Period of time covered by report:
from _____ to _____

CONTRIBUTIONS RECEIVED

Give the total for all contributions received during the period of time covered by this report. Contributions should be listed by type (money or in-kind) rather than contributor. See note on contribution limits on the back of this form. Use a separate sheet to itemize all contributions from a single source that exceeded \$100 during the calendar year. This itemization must include name, address, employer or occupation if self-employed, amount and date for these contributions.

CASH \$ _____ TOTAL CASH-ON-HAND \$ _____
 IN-KIND + \$ _____
 TOTAL AMOUNT RECEIVED = \$ _____

DISBURSEMENTS

Include the amount, date and purpose for all disbursements made during the period of time covered by report. Attach additional sheets if necessary.

<i>Date</i>	<i>Purpose</i>	<i>Amount</i>
TOTAL		

CORPORATE PROJECT EXPENDITURES

Corporations must list any media project or corporate message project for which contribution(s) or expenditure(s) total more than \$200. Submit a separate report for each project. Attach additional sheets if necessary.

Project title or description _____

<i>Date</i>	<i>Purpose</i>	<i>Name and Address of Recipient</i>	<i>Expenditure or Contribution Amount</i>
TOTAL			

I certify that this is a full and true statement. _____

Signature _____ Date _____

Printed Name _____ Telephone _____ Email (if available) _____

Address _____

Report

Office

Name

For Office Use Only:

INSTRUCTIONS

(Reference: Minnesota Statutes, Chapters [211A](#) and [211B](#))

Item 5.

This CAMPAIGN FINANCIAL REPORT is for use by candidates and committees for county, municipal, school district and special district office who receive contributions or make disbursements of more than \$750 in a calendar year; committees or corporations spending more than \$750 for or against a ballot question in a calendar year; and corporations spending more than \$200 on activities to encourage participation in precinct caucuses, voter registration or voting.

Where to file this report:

Hospital Districts	The municipal (city or town) clerk – same place where filed affidavit of candidacy
Park Districts	The county auditor or municipal clerk – same place where filed affidavit of candidacy
School Districts	School district clerk
Townships	Town clerk
Cities	City clerk
Soil & Water Conservation Districts	County auditor
Counties	County auditor

Candidate or committee report: The initial report must be filed within 14 days after the candidate or committee receives contributions or makes disbursements of more than \$750 in a calendar year. Subsequent reports must be filed.

During an Election Year - An “election year” is any year in which the candidate’s name or a question appears on the ballot.

In such a year (if an initial report has been filed) reports are required to be filed:

- 10 days before the primary or special primary
- 10 days before the general election or special election
- 30 days after a general election or special election
- By January 31 of each year following the year when the initial report was filed.

During a non-election year - By January 31 of each year following the year when the initial report was filed.

Once a final report* is filed, no further subsequent reports are required to be filed.

CONTRIBUTIONS: Means anything of monetary value that is given or loaned to a candidate or committee for a political purpose. “Contribution” does not include a service provided without compensation by an individual. **Each candidate or committee must list the total amount of cash-on-hand designated to be used for political purposes as of the close of the reporting period.**

CONTRIBUTION LIMITS: Candidates or candidate’s committees for county, municipal, school district offices may not accept aggregate contributions in excess of \$600 in an election year or in excess of \$250 in a non-election year made or delivered by an individual or committee. However, candidates seeking election from districts with a population in excess of 100,000 may not accept aggregate contributions in excess of \$1,000 in an election year and \$250 in a non-election year.

BALLOT QUESTIONS: Any political committee, association or corporation that makes a contribution or expenditure to promote or defeat a ballot question as defined in Minnesota Statutes, section [211A.01](#) shall file reports with the filing officer responsible for placing the question on the ballot. Reports must be filed within 14 days of receiving contributions or making disbursements of more than \$750 in one calendar year, using the same schedule as above.

CONGRESSIONAL CANDIDATES: Candidates for election to the United States House of Representatives and Senate and any committee raising funds exclusively on behalf of any one of those candidates may file copies of the reports required by federal law in lieu of those required by Minnesota Statutes Chapter [211A](#).

CORPORATE ACTIVITIES TO ENCOURAGE PARTICIPATION: Corporations may contribute to or conduct public media projects to encourage individuals to attend precinct caucuses, register or vote if the projects are not controlled by or operated for the advantage of a candidate, political party or committee. The total amount of expenditures or contributions for any one project greater than \$200, together with the date, purpose and the names and addresses of the persons receiving the contribution or expenditures must be reported. Reports must be filed with the Secretary of State, Veterans Service Building, 20 W 12th St., Ste. 210, St. Paul, MN 55155, using the same schedule as above.

***FINAL REPORT:** A final report may be filed any time after the candidate, committee or corporation has settled all debts and disposed of all assets in excess of \$100 in the aggregate. Check final report under “type of report”.

PROHIBITED TRANSFERS: Candidates for county, municipal, school district or special district offices may not accept contributions from the principal campaign committees of any candidate for legislative, judicial or state constitutional office. In addition, a candidate may not make contributions to the principal campaign committee of any candidate for legislative, judicial or state constitutional office unless the contributions are made from the candidate’s personal funds.

STATE CANDIDATES: Candidates and committees for state constitutional offices, the state legislature, supreme court, court of appeals, district court and committees for state constitutional amendments are governed by Minnesota Statutes Chapter [10A](#). Contact the State [Campaign Finance and Public Disclosure Board](#) for further information at (651) 539-1180.

Note: The filing officer must restrict public access to the address of any individual who has made a contribution that exceeds \$100 and who has filed with the filing officer a written statement signed by the individual that withholding the individual’s address from the financial report is required for the safety of the individual or the individual’s family.



AGENDA REPORT

Meeting Date: September 10, 2024

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Future Meeting Topics

Background

Future meeting topics requested by commissioners:

- Review of Chapter 5
- 2025 Calendar

Recommendation

None.

Attachments and Other Resources

Vision Statement

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