



Charter Commission Meeting

October 06, 2025

7:00 PM

Fridley Civic Campus, 7071 University Ave N.E.

Agenda

Call to Order

Roll Call

Approval of Agenda

Approval of Meeting Minutes

1. Approval of September 2, 2025 Charter Commission Meeting Minutes

Administrative Matters

2. Election to Vacant Office of Chair
3. 2026 Charter Commission Meeting Dates
4. Revised Bylaws
5. 2025 Annual Report
6. Update to Chapter 4 of the League of Minnesota Cities (LMC) Handbook for Minnesota Cities (The Home Rule Charter City)

Old Business

7. Chapters 5 Review

New Business

Future Meeting Topics/Communications

8. 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 6, 2025

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Approval of September 2, 2025 Charter Commission Meeting Minutes

Background

Attached are the minutes from September 2, 2025 for the Commission's consideration.

Recommendation

Staff recommend the approval of the September 2, 2025 Charter Commission Meeting Minutes.

Attachments and Other Resources

- September 2, 2025 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 2, 2025
 7:00 PM
 Fridley City Hall, 7071 University Avenue NE

Minutes

Call to Order

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

Present

Brad Bremener
 Donald Findell
 Greg Gardner
 Nikki Karnopp
 Ted Kranz
 Dave Linton
 Audrey Nelson
 Rick Nelson
 Pam Reynolds
 Valerie Rolstad
 Doug Schmitz
 Kathy Smith

Absent

Steve Kisner

Others Present

Melissa Moore, Assistant City Manager/City Clerk
 Beth Kondrick, Deputy City Clerk
 Dave Ostwald, Mayor

Approval of Agenda

Motion to approve the agenda as presented by Commissioner Reynolds, seconded by Commissioner Findell.

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

Approval of Meeting Minutes

1. Approval of September 2, 2025, Charter Commission Meeting Minutes

Motion to approve the September 2, 2025 Meeting Minutes with addition of Commission Kranz's attendance by Commissioner Reynolds. Seconded by Commissioner Bremener.

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

Administrative Matters

2. Resignation of Clifford Johnson

Clifford Johnson submitted his resignation from the Commission in May. His vacancy will be advertised, and an election will be held next month to elect a new chair.

Motion to accept the resignation with regret by Commissioner Karnopp. Seconded by Commissioner Gardner.

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

Old Business

3. Bylaws Review

Commissioners reviewed the current Bylaws alongside proposed changes from Commissioner Reynolds.

Motion to not include language regarding remote attendance by Commissioner Gardner. Seconded by Commissioner Rolstad.

Upon a voice call vote, with most voting nay, Vice Chair Nelson declared the motion failed.

Motion to include language regarding remote attendance by Commissioner Rolstad. Seconded by Commissioner Findell.

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

The Commission discussed a few other changes to the section on Vacancies in Commission Membership, adding the word "Staff" in front of liaison where it is mentioned and a few other minor language changes throughout.

Motion to approve the amended Bylaws by Commissioner Rolstad. Seconded by Commissioner Reynolds.

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

3. Chapter 5 Review

Commissioner Linton asked the Commissioners to do an exercise on the number of signatures needed for a petition for some data gathering.

Motion to table Chapter 5 until October meeting by Commissioner Karnopp. Seconded by Commissioner Kranz.

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

New Business

Commissioner Reynolds brought forward a document on research on who is eligible to serve on City Commissions and asked to discuss it as a topic at the next meeting.

Future Meeting Topics/Communications

4. Future Meeting Topics

- Candidate Interview Process
- Adding Language to the Charter for who can and cannot serve on the Commission, specifically section 2.013 of Chapter 2
- Next Chapter to Review
- Chapter 5
- Commission Onboarding Manual
- Meeting schedule cadence
- Chapter 6

Adjournment

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

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

The meeting adjourned at 8:35 p.m.



AGENDA REPORT

Meeting Date: October 6, 2025

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Election to Vacant Office of Chair

Background

At its September 2, 2025 meeting the Fridley Charter Commission (Commission) accepted the resignation of then Chair Clifford Johnson. Pursuant to Section No. 5 of the Bylaws, an “[e]lection to vacant offices shall be made from the floor at the next meeting following the meeting at which the vacancy is declared.”

A new Chair will be duly elected by a simple majority vote of the Commission. If there is a contested race for the office of Chair, staff will provide a written ballot to the Commission to complete. At that time the Vice Chair should ask for a teller committee of two to count and read each member’s ballot so they may be reflected in the minutes.

Recommendation

Staff recommend nominations from the floor to the office of Chair.

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: October 6, 2025

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Assistant City Manager/City Clerk

Title

2026 Charter Commission Meeting Dates

Background

Each fall the Commission reviews next year's calendar and determines its meeting dates for the year. Attached is a list of City Council meeting dates. The Council has not yet formally approved the dates, but staff are confident they will be based on meeting date requirements, past practice and holidays.

2026 City Council meeting dates:

January 5	January 26	February 9	February 23
March 9	March 23	April 13	April 27
May 11	May 26	June 8	June 22
July 13	July 27	August 10	August 24
September 14	September 28	October 12	October 26
November 9	November 23	December 14	December 21

Recommendation

Staff recommend the Commission approve meeting dates for 2026.

Attachments and Other Resources

- Blank 2026 calendar for reference

Vision Statement

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

2026

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

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March

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April

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May

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31						

June

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July

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August

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September

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October

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November

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December

S	M	T	W	T	F	S
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AGENDA REPORT

Meeting Date: October 6, 2025

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Revised Bylaws

Background

On September 2, the Commission reviewed and unanimously approved a motion to approve the Commission's Bylaws (attached).

Recommendation

None.

Attachments and Other Resources

- Commission Bylaws

Vision Statement

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

Fridley Home Rule Charter Commission
 Bylaws
 Approved September 2, 2025

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.

(g) Remote attendance shall be allowed with proper notice.

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.

(c) Vacancies in the Commission membership shall be filled as follows:

- (1) Volunteer must be a qualified voter, residing in the City.
- (2) Interest forms will be maintained by the Staff Liaison for one year. If a resignation is received the Staff Liaison will advertise the vacancy for 30 calendar days.

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 Staff Liaison shall be designated by the City Manager and serve as the recording secretary at all meetings of the Commission. The Staff 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 or Members 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 Staff 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: October 6, 2025

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

2025 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 2025 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

- 2025 Annual Report

Vision Statement

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



Fridley Civic Campus

October 7, 2025

Honorable Elizabeth H. Strand
Tenth Judicial District
Kanabec County Courthouse
18 North Vine Street, Suite 318
Mora, MN 55051

Re: Fridley Charter Commission 2025 Annual Report

Dear Honorable Judge Strand,

Pursuant to Minnesota Statute § 410.05 Subd. 2, please accept this 2025 Annual Report of the Fridley Charter Commission (Commission).

The Commission met on the following dates in 2025: January 13, February 3, March 3, April 7, May 5, September 2, October 6 and November 3.

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

In 2025 the Commission:

- Conducted interviews and recommended Commissioner Brad Bremener for appointment to the Commission;
- Held a joint meeting with the Fridley City Council;
- Approved the Commission's Bylaws; and
- Continued 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 'Beth Kondrick'.

Beth Kondrick
Staff Liaison, Fridley Charter Commission
Deputy City Clerk
763-572-3573, beth.kondrick@fridleymn.gov



AGENDA REPORT

Meeting Date: October 6, 2025

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Assistant City Manager/City Clerk

Title

Update to Chapter 4 of the League of Minnesota Cities (LMC) Handbook for Minnesota Cities (The Home Rule Charter City)

Background

The LMC Handbook is a comprehensive resource for laws affecting Minnesota's city governments. It is a collection of 26 chapters that distill, explain and provide recommendations to cities regarding various topics. LMC attorneys update and revise chapters on a regular basis. Recently, LMC released a new version of Chapter 4 (The Home Rule Charter City). The updated chapter is attached. All chapters may be read online: lmc.org/news-publications/publications/handbook-for-minnesota-cities/.

The LMC offers a Charter Assistance Program, providing neutral information and analysis to cities related to charter-related policy issues. More information on the program may be read online: lmc.org/resources/charter-assistance-program/. In May of 2024 an LMC Attorney provided an information session with the Commission. With several new members on the Commission, staff recommend another information session.

Recommendation

Staff recommend all commissioners read Chapter 4 (The Home Rule Charter City) of the LMC Handbook for Minnesota Cities.

Staff recommend a motion directing staff to arrange for an LMC Staff Attorney to provide an informational session with the Commission at an upcoming meeting.

Attachments and Other Resources

- Chapter 4 (The Home Rule Charter City) of the LMC Handbook for Minnesota Cities

Vision Statement

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

**Chapter 4
The Home Rule Charter City**

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This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

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Chapter 4

The Home Rule Charter City

Understand the authority to form a home rule charter city, the ways a charter city can be organized, and charter city powers. Compare and contrast charter cities and statutory cities.

RELEVANT LINKS:

[Minn. Const. art. XII, § 4.](#)
[Minn. Stat. ch. 410.](#)

See Section VIII, *Conflicts with state law.*

[Minn. Stat. ch. 412.](#)

See Section IV, *The charter commission.*
[Minn. Stat. § 410.33.](#)
[Minn. Stat. ch. 412.](#)

I. Home rule in Minnesota

The Minnesota Constitution allows the Legislature to establish home rule charter cities, counties, and other units of local government. State law enacted under this constitutional authority allows cities to adopt a home rule charter. A home rule city charter, or more simply, a “city charter,” is essentially a local constitution that is drafted to meet the specific needs of the community. Any city can adopt a home rule city charter. Of the 856 cities in the state, 107 are currently operating under a voter-approved city charter.

Home rule charter cities can exercise any powers in their locally adopted charters, as long as they do not conflict with state law. Conversely, city charter provisions can specifically restrict the powers of a city. As a result, voters in home rule charter cities have more control over their city’s powers.

II. Distinction between home rule charter and statutory cities

The major difference between home rule charter cities and statutory cities in Minnesota is the enabling legislation from which they gain their authority. Statutory cities derive their powers from Chapter 412 of Minnesota Statutes, commonly known as the statutory city code (“city code”). Home rule charter cities obtain their powers from a city charter. The distinction between home rule charter cities and statutory cities is one of organization and powers, not differences in population, size, location, or other physical features.

Despite this distinction, home rule charter cities are often interested in the statutory city code. For example, a charter commission will often review Chapter 412 when drafting amendments to the city charter. Additionally, when a city charter is silent on a matter that is addressed in the statutory city code (or other general law), the home rule charter city can generally use that statutory authority, as well. Statutory cities are sometimes interested in city charters themselves. This may occur when problems arise that cannot be solved under the statutory city code.

RELEVANT LINKS:

[Minn. Stat. § 410.16.](#)
Handbook, *Local*
Government in Minnesota.

When a statutory city finds itself in this situation, it can either request that the Legislature change the city code (or adopt a special law for that specific city), or it can become a home rule charter city with a city charter provision that provides the necessary authority.

III. The home rule charter

City charters are, in effect, local constitutions. State law gives cities a wide range of discretion to draft charters that will meet the specific needs of the community.

A. Forms of city organization

The city charter can provide for any form of municipal government that is consistent with state law that applies uniformly to all cities in Minnesota. Home rule charter cities in Minnesota have operated under the following five forms of city government. A city charter can, however, alter some of these features.

1. Weak mayor-council

The weak mayor-council plan is the most predominant form of city organization and is used by 59 of the 108 home rule charter cities. Under this plan, administrative and legislative authority is the city council's ultimate responsibility. The powers of the mayor are generally no greater (or less) than those of any other member of the city council. No individual city council member holds any specific administrative powers.

2. Strong mayor-council

The strong mayor-council plan is not very common in Minnesota. This plan is used by only four home rule charter cities: Minneapolis, St. Paul, Duluth, and St. Cloud. Under this plan, the mayor is responsible to the city council for the operation of all administrative agencies. Under the usual strong mayor-council plan, the mayor can generally appoint and remove subordinates, is not a council member but can veto council legislation, and prepares and administers a budget that is subject to city council approval. The chief functions of the council are to legislate and set policies.

3. Council-manager

Under the council-manager form of government, the city council has policy-making and legislative authority, but the administration is the responsibility of an appointed city manager who answers directly to the city council. Currently, 35 Minnesota home rule charter cities use the council-manager plan.

RELEVANT LINKS:

[LMC Charter Assistance Program.](#)

See Section V-C, *Amendments.*

See Section VII, *Charter subjects and provisions.*

4. Council-administrator

The council-administrator plan is also not very common in Minnesota and is currently used by 9 of the 107 charter cities in the state. Under this plan, the city council exercises legislative and policy-making powers, and the city administrator oversees the administration of all city affairs and is responsible to the city council.

5. Commission

Under the commission form of government, each elected council member is responsible for a particular administrative department. So, in addition to having duties as a legislative official, each council member is also a department head. The commission form has never been very popular. Over the years, it was used by only a few home rule charter cities. Today, no Minnesota city is operating under a commission.

B. Advantages of a home rule charter

The home rule charter type of city government has advantages and disadvantages. Some of the advantages include:

- Cities can tailor their charter to their unique needs and desires (cities are encouraged to contact the League of Minnesota Cities Charter Assistance Program for model and sample charters, research memos, and assistance with drafting, amending, or adopting a city charter). City residents draft, adopt, and amend the city's charter.
- A home rule charter city, unlike a statutory city, has the power to make changes to fit its own needs by amending its charter. These changes can occur locally, rather than waiting (and hoping) for a new law to be passed when the Legislature is in session.
- The city charter process educates voters. Some serve on charter commissions while others learn about the city charter and any amendments when voting on proposed changes.
- A city charter may cover many functions and procedures, or it may be very similar to the statutory form of city government.
- If state law is silent on a specific subject, local citizens can address them in their city charter.
- A city charter can provide for initiative, referendum, recall, and election of council members by wards.
- City charters sometimes include limitations that are more stringent than those in state law. For example, a few city charters contain tax and debt limitations.
- The cost of government under a city charter can be similar to the cost of the statutory city form of government.

RELEVANT LINKS:

[National Civic League
Model City Charter, Ninth
Edition \(2021\).](#)

C. Disadvantages of a city charter

A city charter also has its disadvantages. These disadvantages may include:

- **Cost.** While the cost of preparing a city charter should be relatively minor, in smaller communities the cost is larger relative to the population.
- **Drafting.** Poor city charter drafting can be a problem. A charter city can minimize these concerns by relying on model city charters and receiving professional advice and guidance.
- **Time.** The process for amending a city charter is often time-consuming and cumbersome.
- **Division.** City charter amendments can be difficult to pass (particularly when the subject matter is controversial). Sometimes, city advocates will go directly to the Legislature for a solution, in order to bypass local opposition or to avoid dividing the community. This tends to defeat the original purpose of home rule: local control.
- **Elections.** If the city charter provides for special elections, election expenses may be overly burdensome to city budgets.
- **Jurisdiction.** Anyone looking for the applicable law relating to a home rule charter city must consult not only state law, but also the particular city charter. Only a few collections of city charters exist. An up-to-date copy of a city charter is of utmost importance to ensure the advice is accurate.
- **Uniqueness.** The experiences of other cities may be of little help to a home rule charter city. For example, when the Supreme Court or the attorney general gives a ruling that concerns a statutory city, that opinion will, in most instances, be equally applicable to all other statutory cities in the state. Rulings affecting a specific city charter may, however, only be relevant to those cities that have very similar charter provisions.
- **Complexity.** The procedure for abandoning the home rule charter form of city government may be complicated.

D. Essentials of a good home rule charter

Effective city charters maximize advantages and minimize disadvantages. A good city charter will also address the following:

1. Comprehensive grant of power

The most essential element of a good city charter is a comprehensive grant of power that allows the city to exercise all powers legally available under state law and the state constitution.

RELEVANT LINKS:

Because cities are organized to promote the public welfare, and because city residents maintain control through their elected representatives and charter commission members, citizens should not be afraid of entrusting their city government with a wide range of powers.

If the citizens feel that it is necessary, the city charter can include initiative, referendum, and recall provisions as additional checks to prevent the abuse of power.

An example of a comprehensive grant of power clause in a city charter is as follows:

“Powers of the City. The city shall have all powers which it may now or hereafter be possible for a municipal corporation in this state to exercise in harmony with the constitution of this state and of the United States. It is the intention of this charter to confer upon the city every power which it would have if it were specifically mentioned. The charter shall be construed liberally in favor of the city and the specific mention of particular municipal powers in other sections of this charter does not limit the powers of the city to those thus mentioned. Unless granted to some other officer or body, all powers are vested in the city council.”

2. Simplicity and brevity

Simplicity and brevity are also essential to a good city charter. Provisions should be simple and clear, avoiding the possibility of more than one interpretation. A city charter should also be brief enough to be read in a reasonable amount of time.

3. Governance fundamentals

Because of the difficulty in amending and abandoning a city charter, the charter should only deal with governance fundamentals and give the city council the authority to provide more detailed regulations through city ordinances.

4. Responsive organization

A good city charter provides for a workable, responsive governmental organization. Its design should eliminate unnecessary “red tape” and make city government more effective by reducing the number of working parts.

5. Centralize administration

Whenever possible, the city charter should centralize responsibility for administration in one person: a chief administrative officer. This encourages and rewards expertise and efficiency in city administration.

RELEVANT LINKS:

[Minn. Stat. § 205.07.](#)

[Minn. Stat. § 410.05, subd. 1.](#)

[Minnesota District Courts.](#)

[Minn. Stat. § 410.05, subs. 4, 5.](#)

See Section IV-D,
Dissolution.

6. Representative democracy

A city charter should emphasize representative democracy. A city should limit the number of elected offices so voters can intelligently cast their ballots. The city charter should never ask voters to elect non-policy-making administrative officers. The city should have only a single body elected by voters to legislate and determine policies for the city. This single legislative body, the city council, should be composed of between five and nine members. Council member terms should be long enough (up to four years) to gain experience. State law provides that most council terms be four years, although two-year mayoral terms are allowed.

7. Advisory boards

All advisory boards, committees, and commissions should report directly to the city council. The city charter can outline a procedure for appointment to these groups.

IV. The charter commission

A. Creation

Every home rule charter begins with the appointment of a charter commission by the state district court. A charter commission can be created one of three ways:

- **Court Discretion.** The chief judge of the district court in which the city lies can appoint a charter commission if it is deemed to be in the best interest of the city. Likely, the court will not do this unless there is local interest in the matter.
- **Petition.** The court must make the appointment if it receives a petition signed by voters who constitute at least 10% of the number of voters who voted at the last city election. Smaller cities may find it easier to get the necessary number of signatures.
- **Resolution.** The city council can, by resolution, request that the district court appoint a charter commission.

Once appointed, a charter commission becomes a continuing body. Its membership will change from time to time, but the commission goes on indefinitely until it is formally dissolved using statutory procedures. The charter commission should meet at least once a year. Failure of the body to meet regularly, to propose a successful charter for election, or to function does not end its existence.

RELEVANT LINKS:

[Minn. Stat. § 410.05, subd. 1.](#)

[Minn. Stat. § 410.05, subd. 1.](#)

Handbook, *Election Procedures*.

[Minn. Stat. § 410.05, subd. 3.](#)

[Minn. Stat. § 410.05, subd. 2.](#)

[Minn. Stat. § 410.05, subd. 2.](#)

[Minn. Stat. § 410.05, subd. 2.](#)

B. Commission members

Charter commissions must have between 7 and 15 members. The court will determine its size unless a petition of the voters or resolution of the city council specifies the size of the commission. Any city with a city charter can amend the city charter to fix the size of the commission to be between 7 and 15 members.

1. Appointment

The district court usually makes charter commission appointments. The only statutory qualification for members of charter commissions is that they be qualified voters of the city. Commission members can hold other public office or public employment, except for judicial office. City council members can serve on charter commissions.

However, the city's charter can prohibit members of the governing body from serving on the charter commission. Charter commission members can serve unlimited successive terms. Alternatively, the city charter can contain term limits.

The court can receive information from interested citizens about these appointments. A city council, the petitioners requesting appointment of a commission, or the charter commission itself can suggest names of eligible nominees to the district court for consideration.

The court, acting through the chief judge, makes the charter commission appointments by filing an order with the district court clerk. The district court clerk then notifies the appointees, who have 30 days to file their written acceptances and oaths of office with the district court clerk.

Appointments are for staggered (or overlapping) four-year terms. Of the initial appointments, half of the members plus one will serve two-year terms, with the remainder serving full four-year terms. Thereafter, the chief judge appoints new members or reappoints existing members every two years. The chief judge must make these appointments within 60 days of the expiration of each term.

2. Vacancies

The charter commission may experience vacancies due to various reasons, such as death, inability to perform duties, failure to qualify, resignation, or moving out of the corporate limits of the city. The district court can remove members from the charter commission at any time by written order. The order must show the reason for removal.

RELEVANT LINKS:

[Minn. Stat. § 410.05, subd. 2.](#)

[Minn. Stat. § 410.07.](#)

[Minn. Stat. § 410.05, subd. 5.](#)
[Minn. Stat. § 410.10, subd. 4.](#)

[Minn. Stat. § 410.05, subd. 2.](#)

[Minn. Stat. § 410.05, subd. 4.](#)

[Minn. Stat. § 410.12, subd. 1.](#)

[Minn. Stat. § 410.12, subd. 1.](#)

[Minn. Stat. § 13D.01.](#)
[DPO 04-059.](#)
[Minn. Stat. § 15.17.](#)
[LMC information memo,](#)
[Meetings of City Councils.](#)

If any member fails to perform the prescribed duties and fails to attend four consecutive meetings of the charter commission without satisfactory explanation, a majority of the members can sign a request for the member's removal and the court must order the removal.

The charter commission should always maintain its full number of members. When a vacancy occurs, the chief judge must appoint a new member for the unexpired term.

C. Purpose and functions

The primary purpose of a new charter commission in a statutory city is to discuss and draft a city charter document to be voted on by the city's residents. If the voters reject the first city charter proposed by a charter commission (absent discharge of the charter commission by a vote of its members or a referendum by the city's voters), the charter commission can continue to submit proposals until the voters finally adopt one.

Within 30 days after its appointment, a newly created charter commission must make rules, including quorum requirements, on its operations and procedures. The charter commission must file an annual report of its activities with the chief judge on or before December 31 of each year and must send a copy of the report to the city clerk.

After adoption of the city charter, the charter commission continues to function. The charter commission's statutorily prescribed duty is to study the city charter and government. The charter commission is required by law to meet at least once each calendar year. In addition, the charter commission must meet upon presentation of a petition signed by at least 10% of registered voters, according to the last annual city election, or by resolution of a majority of the city council. Further, the charter commission must convene to propose city charter amendments upon presentation of a petition of at least 5% of the number of votes cast at the last state general election in the city.

The charter commission has the power to propose changes to the city charter at any time and acts like a standing constitutional convention. If the city charter does not work or proves to be faulty in operation, it is the charter commission's duty to propose improvements. For these reasons, a charter commission should meet regularly as required and be prepared for any emergencies.

Charter commissions are subject to the Minnesota Open Meeting Law (OML) and the Minnesota Government Data Practices Act (MGDPA). In addition, as government entities, charter commissions are required by law to keep a complete record of their activities and affairs.

RELEVANT LINKS:

Handbook, [Records Management](#).

[Minn. Stat. § 410.05, subd. 5\(a\)](#).

LMC information memo, [City Special Elections](#).

[Minn. Stat. § 410.05, subd. 5\(b\)](#).

See Section V-E, [Abandoning a home rule charter](#).

[Minn. Stat. § 410.07](#).

[Minn. Stat. § 410.06](#).

Charter commission members should familiarize themselves with the requirements of these laws, specifically those that concern the notice and public posting of meetings under the OML.

D. Dissolution

In a statutory city where a city charter has not been adopted, an appointed charter commission can be discharged in one of the following ways:

- **Vote.** By a three-fourths vote of the charter commission, if the charter commission determines that a city charter is not necessary or desirable.
- **Election.** After a general or special election (called by a petition of registered voters equal to at least 5% of the registered voters in the city) where a majority of the votes cast support the discharge of the charter commission.

If dissolved, another charter commission cannot be formed sooner than one year from the date of discharge.

In a home rule charter city, the charter commission cannot be dissolved or otherwise cease to exist unless the city charter is abandoned through the statutory process for changing the form of city government.

V. The charter process

A. Drafting

In a statutory city without a city charter, the new charter commission must deliver to the city clerk the draft of a proposed city charter or a report that states that a city charter is not necessary or desirable. One of these documents must be provided as soon as practicable, and a majority of the members of the charter commission must sign it.

When a majority of charter commission members approves a city charter draft, the charter commission should make and authenticate at least three identical, clear copies. All of the charter commission members who approved the draft should sign each of the copies. One copy should go to the city clerk, who will deliver it to the city council. The charter commission should keep the second copy in its files. A third copy might be useful for newspaper publication.

1. Professional assistance

Drafting a city charter is a complex and difficult job that requires special skill.

RELEVANT LINKS:

[LMC Charter Assistance Program.](#)

[National Civic League Model City Charter, Ninth Edition \(2021\).](#)

[Minn. Stat. § 410.10, subd. 1. LMC information memo, *City Special Elections*. Office of the Minnesota Secretary of State, *Ballot Questions*.](#)

[Minn. Stat. § 410.10, subd. 1.](#)

[Minn. Stat. § 410.10, subd. 1. Minn. Stat. § 205.10, subd. 3a. Minn. Stat. § 205.16.](#)

A charter commission can, subject to the dollar limitations contained in the law, employ an attorney and other personnel to assist in drafting a city charter. Before getting too far along in the process, a charter commission should seek advice on what should be included in a city charter and should also submit a draft to an impartial expert for final review.

The League of Minnesota Cities Charter Assistance Program can assist in providing the charter commission with relevant city charter materials. The charter commission may also find it helpful to meet with a member of the League's staff to talk about forms of government, drafting procedures, and major policy problems. The League will also provide general advice. For a nominal fee, League staff will examine and comment on an existing city charter, city charter draft, or amendment to a city charter. Most proposed city charters have been sent to the League for this kind of review and comment.

2. Community involvement

The charter commission and its committees should collect informed and interested opinions from citizens and city officials about the existing form of government and the proposed change to become a charter city. The charter commission should consider criticism or positive experiences with the existing government when drafting the city charter. The charter commission should bring tentative proposals to the attention of the public and city officials before making final decisions. Often, the mayor, city council members, and other city officials may have special insight into the merits or practicality of particular proposals.

B. Election

After receiving the signed draft city charter, the city clerk should notify the city council of its receipt and remind the council to submit the city charter to an election of the voters. If the council fails to do so, the court can order it. The ordinary election rules and procedures apply to city charter elections, and the city covers the expense. City charter provisions submitted to voters are generally referred to as ballot questions.

The charter commission can recall its proposed city charter at any time before the council has fixed a date for the election. The council can authorize the charter commission to recall the city charter at any time before its first publication.

The council may have options regarding the timing of the election. If no general city election is to occur within six months after the city clerk receives the draft, the city council must call a special city charter election on a date allowable by law.

RELEVANT LINKS:

[Minn. Stat. § 410.10, subd. 2.](#)

If a general city election will occur within six months, the council can either postpone the election on the city charter until that general election, or it can call for a special election before the general election. If the election is held at the same time as the general election, the voting places and election officers must be the same for both elections.

The notice of election must include the complete city charter. The notice must be published once a week for two successive weeks in the official newspaper and can also be published in any other legal newspaper in the city. In first-class cities, the publication must be made in a newspaper having a regular paid circulation of at least 25,000 copies.

1. Charter campaign

What is the role of the charter commission in the campaign for adoption of the city charter? There are sometimes different views about the role of the charter commission and that of individual charter commission members.

The law does not give the charter commission any responsibility after the city charter has left the charter commission, nor does it set any restrictions. Some charter commissions have served as the principal sponsoring organization for the city charter. Charter commission members have been responsible for publicity and have made public speeches or written editorials on the charter commission's (as well as the proposed city charter's) behalf.

In other cities, the charter commission as a whole has not been involved in the campaign, but sometimes individual members have participated. Because state law does not address the subject, what charter commission members do will depend on their perception of what is or is not appropriate. Surely, no other group is likely to know more about what is contained in the proposed city charter and why or is likely to be more interested in the outcome of the city charter election.

No outsider can give much advice on how to campaign for adoption of the city charter. Local conditions and the kind of opposition that might develop will determine the necessary community response. Overconfidence, however, frequently results in the defeat of a city charter. The opposition is usually vocal and well organized. It is no easy task, especially at a general election, to get the necessary majority to vote in favor of the city charter. Frankness and honesty about the contents of the city charter can help "disarm" the opposition. Throughout its entire proceedings, the charter commission should inform the public of its actions.

Charter commissions should keep in mind that the use of public funds to promote a particular election outcome may be questionable.

LMC information memo,
Public Purpose
Expenditures.

RELEVANT LINKS:

A.G. Op. 442-a-20 (Jul. 18, 1927). A.G. Op. 442-a-20 (Jul. 10, 1952). A.G. Op. 159-A-3 (May 24, 1966). A.G. Op. 355-a (Oct. 27, 2020).
See “Statement of Position: Expenditure of Public Funds on Ballot Issue Advocacy,” Office of the State Auditor.

Minn. Stat. § 410.10, subd. 3. LMC information memo, *City Special Elections*.

Minn. Stat. § 410.11.
Minn. Stat. § 410.04. Minn. Stat. § 410.121.
Bard v. Minneapolis, 99 N.W.2d 468 (Minn. 1959).

Minn. Stat. § 410.11.

While efforts to inform voters about the city charter and to encourage voters to cast their ballot seem reasonable, a “vote yes” campaign brochure is more questionable. Additionally, using email or social media to advocate for one side of a ballot question may be questionable. Campaign efforts by charter commission members in their role as private citizens seem acceptable, provided that they do not claim to speak for the entire charter commission.

2. Ballot

The ballot must include the printed words: “Shall the proposed new charter be adopted? Yes ___ No ___” (with a box after each of the last two words, in which the voter can indicate their choice). If alternative city charters or city charter provisions are submitted, the ballot must be printed in a way that allows the voter to indicate the preferred language.

3. Ratification

The majority needed to adopt a city charter is 51% of those voting on the question at the election. A three-fourths majority, however, is needed if a proposed city charter alters liquor patrol limits (provisions to remove or amend city charter provisions changing the sale of intoxicating liquor require a 55% majority). Statutory provisions specifying the percentage of necessary votes to adopt a new or revised city charter or to amend a city charter supersede conflicting city charter provisions.

4. Filing

If voters adopt the city charter, the city clerk must file copies in the office of the secretary of state, the office of the county recorder, and the clerk’s office. A certificate attesting to the accuracy of the city charter and giving the date of the election and the vote by which the city charter was adopted must accompany each copy.

Although the Minnesota Constitution and law do not require it, the charter commission should retain at least one copy of the city charter. Printed copies of the city charter should be sent to the League of Minnesota Cities, the Minnesota Historical Society, and to state and local libraries. These groups will frequently refer to the city charter and it will be available to other Minnesota charter commissions considering new or amended city charters. If the city has a website, it may want to consider posting an electronic copy of the city charter for increased public access.

RELEVANT LINKS:[Minn. Stat. § 410.11.](#)[Minn. Stat. § 410.11.](#)[Minn. Stat. § 410.10, subd. 4.](#)[Minn. Stat. § 410.05, subd. 5\(a\)\(1\).](#)[Minn. Stat. § 410.05, subd. 5\(a\)\(2\).](#)[Minn. Stat. § 410.05, subd. 5\(b\).](#)[Minn. Stat. § 410.12, subd. 1a.](#)[Minn. Stat. § 410.12, subd. 1.](#)

5. Effective date

The city charter will take effect 30 days after the election or at another time specified by the city charter. The city charter supersedes any previous charter of the city. The courts must take judicial notice of the city charter.

The officials elected and appointed under the newly adopted city charter can then take control of the city's records, money, and property at any time specified by the city charter. The city charter can provide that, until an election of officers occurs, the officers under the old city charter will continue to function. When the new city charter becomes fully operational, the re-organized city corporation is in all respects the legal successor of the corporation organized under the old city charter or state law. Existing, consistent ordinances and contracts continue until the council changes them or until they expire by their terms.

6. Rejected charters

If less than 51% of those voting on the question do not vote in favor of the proposed city charter:

- **Modify and resubmit.** The charter commission can choose to modify its proposed city charter and re-submit the city charter for election.
- **Disband.** The charter commission can choose to disband by a three-fourths vote of its members.
- **Discharge.** The city voters can discharge the charter commission through a petition and referendum process.

When a charter commission disbands itself or is discharged by the city voters, another charter commission cannot be formed sooner than one year from the date of discharge.

C. Amendments

Charter cities will find it necessary to update or otherwise modify their city charters to reflect current needs and expectations. Amendments must originate through one of the several ways that are provided in statute:

1. Amendment by proposal

a. Charter commission

A charter commission can propose amendments to the city charter at any time.

RELEVANT LINKS:

[Minn. Stat. § 410.12, subs. 1-3.](#)
A.G. Op. 59a-11 (Dec. 30, 1981).

[Minn. Stat. § 410.12, subs. 1, 3.](#)

[Minn. Stat. § 204B.071.](#)
Office of the Minnesota Secretary of State, [Ballot Questions](#).

[Minn. Stat. § 410.12, subs. 1, 4.](#)
Davies v. City of Minneapolis, 316 N.W.2d 498 (Minn. 1982).

Haumant v. Griffin, 699 N.W.2d 774 (Minn. Ct. App. 2005). *Kranz v. City of Bloomington*, 990 N.W.2d 695 (Minn. 2023).

[Minn. Stat. § 410.12, subd. 5.](#)

b. Citizen petition

A charter commission must propose amendments upon receiving a petition signed by a number of registered voters equal to 5% of the total votes cast at the previous state general election in the city. This percentage cannot be changed by the city charter itself. Only registered voters are eligible to sign the petition.

All petitions circulated must be uniform in character. The petition must state the proposed amendment to the city charter in full. However, if the proposed amendment is larger than 1,000 words, a true and correct copy must be filed with the city clerk, and the petition must contain a summary (between 50 and 300 words) setting forth the “substance and nature” of the proposed amendment. When a summary is used, that summary (along with a copy of the proposed amendment) must be first submitted to the charter commission for its approval as to form and substance. The charter commission has 10 days to return the summary with any modifications necessary to comply with these requirements.

The Secretary of State is required to develop rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state must provide samples of petition forms for use by election officials. Once received, the charter commission must submit the petition to a popular vote.

c. Process and procedure

The amendment goes to the city clerk, who notifies the city council. The city council then provides for the election under the same rules that apply to a new city charter.

The council cannot refuse to submit or change the amendment as long as it is constitutional. A city council is not obligated to submit an unconstitutional charter amendment or an amendment that violates state or federal law to the voters. When an amendment to a city charter is proposed by the charter commission or petitioned for by the voters of the city, the proposed amendment must be submitted to the council at least 17 weeks before the general election.

2. Amendment by ordinance**a. City council**

The city council can propose an amendment by ordinance.

RELEVANT LINKS:

[Minn. Stat. § 410.12, subd. 5.](#)

The council submits the ordinance proposing an amendment to the charter commission, which has 60 days for review (which can be extended by the charter commission for an additional 90 days by filing a resolution with the city clerk stating that additional time is necessary).

After the review period, the charter commission returns the amendment or its own substitute amendment to the city council. The city council then submits to the voters either the amendment as originally proposed or the charter commission's substitute amendment.

b. Charter commission

[Minn. Stat. § 410.12, subd. 7.](#)

The charter commission can recommend that the city council amend the city charter by ordinance. Within one month of receiving a recommendation to amend the city charter by ordinance, the city must publish notice of a public hearing of the proposal (which must also contain the text of the proposed amendment).

[Minn. Stat. § 410.12, subd. 7.](#)

The city must hold the public hearing on the proposed city charter amendment at least two weeks, but not more than one month, after the notice is published. Within one month of the public hearing, the city council must vote on the ordinance proposing the city charter amendment. The vote must be unanimous, including approval by the mayor if the mayor has veto power.

The ordinance proposing the amendment is subject to the same publication requirements as other ordinances. The ordinance becomes effective 90 days after passage and publication, unless a later date is provided in the ordinance.

[Minn. Stat. § 410.12, subd. 7.](#)

Within 60 days after passage and publication, a petition signed by registered voters equal in number to at least 5% of the registered voters in the city or 2,000, whichever is less, can be submitted to force a referendum on the amendment.

If voters file a proper petition, the city must handle the amendment like any other city charter amendment, except that the city council can submit the ordinance at a general or special election that occurs within 60 days after filing the petition, or it can reconsider its action in adopting the ordinance.

c. Cities of the fourth class

[Minn. Stat. § 410.12, subd. 6.](#)

In cities with a population of less than 10,000, the city council can propose amendments by ordinance without submitting them to the charter commission. Four-fifths of the council members must vote in favor of the ordinance. Two weeks published notice is necessary before the vote.

RELEVANT LINKS:

[Minn. Stat. § 410.12, subd. 6.](#)

[Minn. Stat. § 410.10. Minn. Stat. § 410.12, subd. 4. Minn. Stat. § 410.121. Minn. Stat. § 205.10, subd. 3a. Minn. Stat. § 205.16.](#)
See Section V-B, *Election*.

[Minn. Stat. § 410.12. Minn. Stat. § 410.11.](#)

[LMC Charter Assistance Program.](#)

[Minn. Const. art. XII, § 5. Minn. Stat. § 410.30.](#)

The city council must then submit the ordinance to the voters like any other amendment.

3. Elections

The election concerning proposed amendments and the arrangement of the ballot are substantially the same as in the case of the adoption of a new city charter. An amendment needs the favorable vote of 51% of those voting on the question.

4. Notice

Amendments, like city charters, need the city clerk's certification. Copies must be filed in the offices of the secretary of state and county recorder, as well as in the city clerk's office. Amendments take effect either at the end of 30 days after the election, or at some other time if the amendment so specifies. The law also allows for alternative proposals.

The League of Minnesota Cities Charter Assistance Program would appreciate a copy in order to keep the LMC city charter collection up to date. State and local libraries and the Minnesota Historical Society are also suggested recipients. A city may also want to consider posting city charter amendments to its website to keep the online charter up to date.

D. New or revised charters

Any charter city with a city charter can adopt a new or revised city charter in the same manner as adopting an original city charter. If a new or completely revised city charter is to go to the voters, the preparation of the ballot and other procedures are substantially the same as for the original city charter.

E. Abandoning a home rule charter

Any home rule charter city can abandon its charter and become a statutory city.

Since the state was formed, only three cities – Jordan, Isanti, and Sauk Centre, all since 1989 – have abandoned their charter form of government. These three cities are now Plan A statutory cities. A city can abandon its charter by presenting a proposal, adopting it, and having it become effective in the same manner as a charter amendment. Accordingly, abandonment would require the approval of 51% of those voting on the question.

RELEVANT LINKS:

[Minn. Stat. § 410.30.](#)

[Minn. Stat. § 410.16.](#)

[National Civic League
Model City Charter, Ninth
Edition \(2021\).](#)

Park v. City of Duluth, 159 N.W. 627 (Minn. 1916).
State ex rel. Zien v. City of Duluth, 159 N.W. 792 (Minn. 1916). *City of Duluth v. Cervený*, 16 N.W.2d 779 (Minn. 1944).

[Minn. Stat. § 410.33.](#)
[Minn. Stat. ch. 412.](#)
[In re HUC Pipeline
Condemnation Litig., No.
A03-1125](#) (Minn. Ct. App. May 4, 2004) (unpublished decision).

Nordmarken v. City of Richfield, 641 N.W.2d 343 (Minn. Ct. App. 2002). *Lilly v. City of Minneapolis*, 527 N.W.2d 107 (Minn. Ct. App. 1995).

The proposal must include a schedule with necessary provisions for transition to the statutory city form of government. This is done in order to place the city on a regular election schedule as soon as practicable. The proposal can provide for continuation of specified provisions of the home rule charter for an interim period and must specify the plan under which the city will operate as a statutory city.

VI. General powers

A city charter should deal only with the fundamentals of the governmental organization of the city, leaving the council free to exercise a broad grant of authority by ordinance. Modern charters contain provisions that claim for the city all powers that the home rule provision of the constitution permits a city to assume. Older charters contain a long list of specific grants giving various powers to the city. The strong statements of intent found in League and National Civic League model charters should be adequate to ensure that the omnibus grant gives the city all the municipal power it might receive through more specific grants.

Minnesota Supreme Court decisions generally have liberally construed all-powers grants in city charters. In addition to powers granted by the charter, various state laws may give additional powers to a city and regulate certain activities. For example, authority for planning, police civil service commissions, and municipal forest maintenance is included in laws dealing specifically with these subjects.

A city charter can provide any municipal powers the Legislature could have delegated to the city, as long as the powers are consistent with state law. A number of city charters have attempted to do this. Under such a grant, the city charter can authorize the city to provide for medical clinics, public transit, and industrial parks. It can authorize a range of public enterprises as long as they do not involve the use of public funds for an unconstitutionally private purpose. The limits depend more on public policy than on the lack of home rule charter power.

If a charter is silent on a topic that Chapter 412 or another law addresses for statutory cities, home rule charter cities can usually apply the general law on the subject. If, however, general law prohibits a city charter from addressing the matter, or if it provides that the city charter prevails over general law, the home rule charter city cannot apply the general law.

No city, however, even one organized under a city charter, has inherent powers. A city can only exercise such powers that are expressly conferred by state law or are implied as necessary in aid of those powers. If a matter presents a statewide problem, the implied necessary powers to regulate are narrowly construed unless the Legislature has provided otherwise.

RELEVANT LINKS:

Handbook, [Property Tax Levy](#).

[Minn. Stat. § 275.75](#).

Handbook, [Municipal Budgeting](#).
Handbook, [Property Tax Levy](#).

[Minn. Stat. § 410.325](#).

Handbook, [Debt and Borrowing](#).

[Minn. Stat. § 412.321](#).

A.G. Op. 624a-3 (June 28, 1999).

VII. Charter subjects and provisions

The following list of powers are addressed within many city charters and is not complete or all-inclusive. Many provisions contained within a city charter are also discussed in more detail in other chapters of the Handbook for Minnesota Cities.

A. Taxes

Presumably, a city charter can grant a home rule charter city the power to tax, although the state has largely preempted two local non-property taxes: sales tax and income tax. State law has historically provided some differences between home rule charter cities and statutory cities in property tax levy authority. For example, the Legislature allows charter cities to exceed their city charter limits or referendum requirements for levy increases if the increased levy was needed to offset reductions in city local government aid (however, any state-imposed levy limits still apply).

B. Finance

A city charter can, but does not need to, require a budget system (however, current truth-in-taxation laws require all cities to prepare a budget). The city charter can regulate the payment of claims and can also limit or broaden the purposes for which the city can spend money beyond the limits set for statutory cities. For example, a city charter could allow appropriations to private agencies performing work of a public nature, while statutory cities likely could not do so. The law limits statutory cities in their issuance of warrants in anticipation of the collection of taxes. A city charter can broaden or curtail this authority.

Both statutory and home rule charter cities can use a system of anticipation certificates. A city charter can lower the debt limit applicable to cities, but it cannot raise the limit. A city charter can also restrict the purposes for which the city can issue bonds, and it can make the procedure easier or more difficult.

C. Utilities

1. Municipal utilities

While statutory cities can establish electric, gas, light, and power utilities only after a vote by the people – regardless of the method of financing – a city charter can provide for acquisition without a vote or can require a different majority from the majority necessary in statutory cities. A city charter can give the right of condemnation without a time limit.

RELEVANT LINKS:

Minn. Stat. § 444.075, subd. 3(b).
LMC information memo,
Securing Payment of Utility Charges.

Handbook, *City Regulatory Functions*.
Minn. Stat. § 410.09.

Minn. Stat. § 412.191, subd. 4.

Minn. Stat. § 410.20.

Minn. Stat. § 410.20.

Hanson v. City of Granite Falls, 529 N.W.2d 485 (Minn. Ct. App. 1995).

A city charter can also allow the city to use surplus utility funds to support general funds.

City charters cannot attempt to set utility rates for water, sewer, and stormwater utilities. City charter provisions cannot artificially inflate or suppress rates. Authority to set rates is vested exclusively in the city council by state law.

2. Regulation

The Minnesota Public Utilities Commission and the Department of Commerce regulate the service and rates of private gas, electric, and telephone utilities. However, charter cities can acquire gas and electric franchises and can adopt regulations, including requirements for a gross earnings tax or similar fees. Strict limitations on the use of franchises, taxation, and fees for the use of public rights-of-way exist, whether or not a city has a charter.

D. Ordinances

1. Procedures

Statutory cities can pass an ordinance on a single reading at the same meeting that the ordinance first comes before the council.

The ordinance must be published in full or in summary form in the local newspaper. Statutory cities can require several readings and a lapse of time between readings, but they are not required to do so. City charters can, but are not required to, provide for publication, and they can impose other restrictions on the ordinance process.

2. Initiative and referendum

Initiative is a process that allows voters to propose new ordinances directly or repeal existing city ordinances. Referendum is a process that allows voters to stop newly passed ordinances from taking effect until a vote is held at an election to approve or reject the ordinances. Only home rule charter cities can provide for initiative and referendum through city charter. In statutory cities, city voters cannot petition the council or city voters to adopt ordinances through the initiative process. Similarly, in statutory cities, city voters cannot act on ordinances passed by the council through the referendum process.

Only ordinances that are “legislative in character” can be enacted through the initiative process and by the voters through the referendum process.

RELEVANT LINKS:

Hous. and Redev. Auth. v. City of Minneapolis, 198 N.W.2d 531 (Minn. 1972). A.G. Op. 858 (Oct. 26, 1970). A.G. Op. 858 (August 5, 1970).

But see *City of Cuyahoga Falls v. Buckeye Cmty. Hope Found.*, 538 U.S. 188, (2003). A.G. Op. 185b-2 (Mar. 8, 1962).

Minn. Stat. § 205.02, subd. 2.
Minn. Stat. § 205.07, subd. 1.

Minn. Stat. § 205.10, subd. 3a.

Minn. Stat. § 410.16.

Minn. Stat. § 412.02, subd. 7.

Minn. Stat. § 351.02.
A.G. Op. 59a-30 (Jul. 24, 1996).

Minn. Stat. § 410.20.

Legislative actions are those that are general in nature and lay down a permanent and uniform rule of law.

Administrative actions, on the other hand, are those of a temporary and special character. They merely carry out existing laws and relate to the daily administration of municipal affairs.

Administrative actions include lawsuit settlements, entering contracts, accepting or rejecting bids, selling municipal bonds, appointing city officials, levying taxes, granting licenses and permits, and adopting budgets.

E. Elections

State law regulates many phases of election procedure, but some may be open to city regulation through city charter. State law fixes the date of city elections in both statutory and home rule charter cities for the first Tuesday after the first Monday in November in even or odd years. In charter cities, special elections can only be held on the days allowed by law.

F. Elected officials

1. Wards

A city charter can provide for various methods of representation, including at-large representation, proportional ward representation, or a combination of at-large and proportional ward representation. The charter can also require nomination procedures that are different from those in statutory cities. Historically, ward representation was not available to statutory cities; however, in 2024, the legislature provided explicit authority for statutory cities to adopt wards.

2. Removal by the council

State law establishes specific situations that create vacancies in elected office. A charter cannot provide for the removal of council members by the council for any reason not explicitly stated in state law.

3. Recall

Recall is a procedure that allows citizens to remove and replace a public elected official before the official's term of office ends. Home rule charter cities have some limited authority to provide for recall of the city's elected officials.

RELEVANT LINKS:

[Minn. Const. art. VIII, § 5. *Jacobsen v. Nagel*, 96 N.W.2d 569 \(Minn. 1959\).](#)

[Minn. Stat. § 211C.01, subd. 2.](#)

[Minn. Stat. § 211C.01, subd. 3.](#)

[Minn. Stat. § 410.20.](#)

[Minn. R. 8205.1010. Minn. R. 8205.1030.](#)

Proposed Petition, LMC model form.

[Minneapolis Term Limits Coal. v. Keefe](#), 535 N.W.2d 306 (Minn. 1995).

The Minnesota Constitution and state court decisions have restricted the recall of elected city officials to cases of serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office. Recall does not exist in statutory cities.

Malfeasance is the intentional commission of unlawful or wrongful acts in the performance of official duties or substantially outside the scope of the official's authority and which infringes on the rights of any person or entity.

Nonfeasance is the intentional, repeated failure to perform specific acts that are required as official duties.

Recall of elected officials in Minnesota must be done by a petition of the electors in the city, and there are specific requirements that govern the form and content of recall petitions. Because recall must be done by a petition of the electors in the city, the city must know that the individuals signing the petition are eligible voters.

For this reason, recall petitions must include the following information:

- Date.
- Printed first, middle, and last name.
- Year of birth.
- Signature.
- Residence address.
- City or township.
- County.

4. Term limits

A charter cannot impose term limits on city elected officials.

G. City personnel

In home rule charter cities, the charter can establish procedures for the appointment and removal of non-elected officers and employees at the discretion of the council. The charter can include restrictions, such as a formal civil service system, and it can authorize the council to fix administrative salaries subject to the limitations and procedures provided by the charter.

RELEVANT LINKS:

A.G. Op. 624a-3 (June 28, 1999). A.G. Op. 1001-a (Sept. 15, 1950). *Muehring v. Sch. Dist. No. 31*, 28 N.W.2d 655 (Minn. 1947). *Minneapolis Gas and Light Co. v. City of Minneapolis*, 30 N.W. 450 (Minn. 1886).

[Minn. Stat. § 471.345.](#)

A.G. Op. 59-a-15 (Aug. 22, 1969).

Queen City Constr., Inc. v. City of Rochester, 604 N.W.2d 368 (Minn. Ct. App. 1999). Handbook, *Expenditures, Purchasing and Contracts*.

[Minn. Stat. § 412.222.](#)

[Minn. Stat. § 6.54.](#) [Minn. Stat. § 6.55.](#)

[Minn. Stat. §§ 471.695-.698.](#)

Handbook, *Property Tax Levy*.

Handbook, *City Licensing*.
Handbook, *City Regulatory Functions*.

H. Delegation of powers

Absent specific statutory or charter authority, the council of a charter city cannot delegate powers and duties that require the exercise of judgment and discretion to other persons or bodies. Specific language must exist in the charter for any delegation to occur.

I. Contracts

State law establishes bidding procedures and uniform dollar limits for all city contracts for the purchase, sale, or rental of supplies, materials, or equipment, or the construction, alteration, repair, or maintenance of real or personal property.

While the language leaves some doubt about the application of the law to home rule charter cities, the attorney general has stated that the law supersedes all city charter provisions concerning uniform dollar limitations. Presumably, the charter can regulate some phases of the contracting procedure, but most city charters deal only with subjects not covered by the state law.

J. Accounting

Under the law, statutory cities can employ a public accountant or the state auditor to perform an audit. Through the city charter, cities can require an annual audit by the person designated to perform the audit. Charter cities are also subject to the law that requires the state auditor to examine a city's records on the initiative of the council or a petition of citizens.

All cities are required to publish their annual financial statements. In home rule charter cities, the charter can require additional reports and publication of the reports, depending on the desires of the community. The number and kinds of funds, and the authority to transfer between funds, may come under charter regulation with minimum statutory restriction. In statutory cities, the law is more restrictive on this subject.

K. Licensing and regulation

While statutory cities must find a specific law authorizing the city to license or regulate an activity before doing so, a charter city can often rely on an all-powers provision in the city charter to license or regulate activities within its borders. Without such an all-powers or other broad grant of authority, a charter city must find a specific charter provision or state law authorizing the regulation.

RELEVANT LINKS:

Handbook, *Financing Public Improvements*.
 Minn. Const. art. X, § 1.
 Minn. Stat. ch. 429.
 Minn. Stat. § 429.111.

Minn. Stat. § 429.021, subd. 3.

Minn. Const. art. X, § 1.

Curiskis v. City of Minneapolis, 729 N.W.2d 655 (Minn. Ct. App. 2007).

Handbook, *Expenditures, Purchasing and Contracts*.
 LMC information memo, *Purchase and Sale of Real Property*.

Handbook, *Liability*.

L. Special assessments

Both statutory and home rule charter cities can finance local improvements by special assessments against benefited property under a uniform constitutional and statutory procedure. While most home rule charter cities follow state law, a city charter can provide a different procedure or authorize the city council to adopt a different procedure and can require the city to use that method exclusively. A charter city, however, must conform to certain requirements of state law. The charter can require the city to use general funds or service charges, rather than special assessments, for local improvements. Any special assessments used must comply with the constitutional requirement that the amount of the special assessments cannot exceed the increased market value of the property as a result of the benefit due to the local improvement.

Some charters with special assessment provisions authorize the city council to choose between utilizing the charter provisions or state law when imposing special assessments. A court case has validated such charter provisions. However, when a city elects to use its charter provisions for a special assessment project, the charter provisions must be followed throughout the entire project.

The city cannot later elect to use the state law provisions for the same special assessment project. Likewise, the city cannot commence a special assessment project under the procedure in state law and then later elect to utilize the charter procedure.

M. Real estate

Charter and statutory cities can acquire real estate that is needed for public purposes, and the city council can dispose of it when it is no longer needed. State law does not require bids or approval of the voters, but a charter can impose such restrictions.

N. Liability

Both statutory and home rule charter cities are subject to the same tort liability imposed by statutes and court decisions. Home rule charter cities cannot attempt to extend or curtail the city's liability to any extent.

VIII. Conflicts with state law

Harmonizing general statutory language and city charter provisions that deal with the same subject can be difficult. Cities can resolve potential conflicts between state laws and city charter provisions through the following process:

RELEVANT LINKS:

[Nordmarken v. City of Richfield](#), 641 N.W.2d 343 (Minn. Ct. App. 2002).

[Mangold Midwest Co. v. Village of Richfield](#), 143 N.W.2d 813 (Minn. 1966).
[State v. Kuhlman](#), 729 N.W.2d 577 (Minn. 2007).

[Bicking v. City of Minneapolis](#), 891 N.W.2d 304 (Minn. 2017); [Graco, Inc. v. City of Minneapolis](#), 937 N.W.2d 756 (Minn. 2020).

[State v. Burns](#), No. A05-2554 (Minn. Ct. App. Mar. 20, 2007) (unpublished decision).

[Minn. Stat. § 410.015](#).

A. General rule

The general rule is that when a city charter provision is in conflict with state law, the state law prevails, and the charter provision is ineffective to the extent that it conflicts with state policy.

B. Identifying conflicts

When state law is silent on an issue covered by a city charter and the issue is one that the Legislature has the power to delegate to a city, the assumption is that there is no conflict with state policy. On the other hand, when a charter provision and state law deal with the same issue, the possibility for conflict or preemption occurs. Charter provisions or charter city ordinances conflict with state law when they contain express or implied terms that are irreconcilable with each other. State law preempts charter provisions or charter city ordinances when state law fully occupies a particular field of legislation.

Rather than requesting an attorney general’s opinion or having a court resolve the possible conflict, a city council can, by resolution, rely on the opinion of its attorney as to whether a conflict exists. In making this decision, the attorney should consider the following points:

- Is there a court case or attorney general opinion that deals with the same or similar provisions? If so, the city must follow the court ruling. Even though attorney general opinions are only advisory, a city should seriously consider the reasoning behind the opinion.
- In the absence of a court decision or attorney general ruling, does the state law clearly outline or imply a policy decision by the Legislature that the law applies to charter cities as well as to statutory cities?

For laws passed by the Legislature since 1976, this determination is easy. In any law taking effect after July 1, 1976, the word “city” means statutory city only. After that date, in order for a law to apply to charter cities, the law itself must clearly state that it applies to both statutory and home rule charter cities. A mere reference to all cities would not be sufficient to include charter cities.

For laws enacted prior to July 1, 1976, cities should look for phrases such as, “all cities shall” or “unless the council determines to proceed under charter provisions” for clues of legislative intent.

Generally, laws enacted by the Legislature for the purpose of protecting the public prior to July 1, 1976, likely apply to all cities.

RELEVANT LINKS:

[Columbia Heights Police Relief Ass'n v. City of Columbia Heights](#), 233 N.W.2d 760 (Minn. 1975).
[State v. Kuhlman](#), 729 N.W.2d 577 (Minn. 2007).
[State v. Burns](#), No. A05-2554 (Minn. Ct. App. Mar. 20, 2007) (unpublished decision).

C. Resolution

Even if a general state law applies to charter cities, it does not necessarily supersede a charter provision. If both the charter and state law direct the city to take certain actions or follow certain procedures, it may be advisable to follow both the charter provision and the state law, in order to resolve any conflicts between the two provisions. State law supersedes charter provisions only to the extent that the charter provisions conflict with state policy.

IX. How charter cities should use the LMC handbook

This handbook is written for both statutory and home rule charter cities. Each chapter includes a section about how the chapter relates to charter cities. Because of the differences in city charters, it is difficult to generalize about how an individual charter city will be impacted by any particular state law. The handbook does, however, address statewide laws and rules, court decisions, and attorney general opinions that apply to charter cities.



AGENDA REPORT

Meeting Date: October 6, 2025

Meeting Type: Charter Commission

Submitted By: Melissa Moore, Assistant City Manager/City Clerk

Title

Chapters 5 Review

Background

The Commission began reviewing Chapter 5 of the City Charter in 2024. Attached to this report is the Commission’s most recent draft. At the suggestion of the Commission, and the direction of the Chair, staff sent the attached draft to the City Attorney for a secondary legal review.

Legal review

The City Attorney offered an additional revision to Section 5.02 in the third bullet. They recommend the third bullet be revised to say: “Recall any elected city officer and remove such officer from office by vote of the electorate of the City.” This suggested revision is for clarification.

City Council’s request

At its April meeting the Fridley City Council attended the Commission’s meeting. The Council asked how the Commission came to their recommendation of changing the threshold for initiatives and referendums. As a follow-up Mayor Oswald mailed the attached letter to the Commission for its consideration. At its May meeting some on the Commission suggested a sub-committee meet and draft a response to the Mayor’s letter. Staff agree this would be a worthy exercise to articulate the Commission’s rationale for lowering the threshold to demonstrate the thoughtful deliberation that has taken place. To Commissioner Gardner’s point at the May meeting, April was the first time the Council had been informed of the proposed change to the threshold, thus they are asking for the context surrounding the proposed change.

Election	Votes cast	5% (proposed for initiatives & referendum)	15% (current for initiatives & referendum)	25% (current for recall and will remain the same)
2024 Presidential Election	13,869	693	2,080	3,467
2022 General Election	10,304	515	1,545	2,576
2020 Presidential Election	15,145	757	2,271	3,786
2018 General Election	11,855	592	1,778	2,963

At the September meeting Commissioner Linton surveyed the Commission for personal opinions of “actual numbers of signatures that should be required [to submit a valid petition].” Attached to this agenda item is Commissioner Linton’s analysis of those responses.

Vision Statement

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

Recommendation

Staff recommend the Commission review the drafted revisions to Chapter 5.

Staff recommend the acting Chair appoint a sub-committee of less than a quorum to work on a reply to the City Council.

Attachments and Other Resources

- Chapter 5 in ordinance format
- Mayor Ostwald letter
- Commissioner Linton's analysis

Vision Statement

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

Ordinance No. XXXX**Amending the Initiative, Referendum and Recall Chapter of the Fridley City Charter**

The Fridley City Charter Commission has completed its review of the Fridley City Charter Chapter 5 and has recommended an amendment of the City Charter by Ordinance to the City Council on [date]. The Fridley City Council hereby finds after review, examination and recommendation of the Charter Commission that the Fridley City Charter should be hereby amended and the City of Fridley does ordain:

**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 at least 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 business days following the filing of a sufficient petition. Any violation of the provisions of this Section is a misdemeanor. Any violation of this Section must be reported by the City Clerk to the proper authorities pursuant to State law.

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

~~2.4. A petition under this Charter shall for an initiative, referendum or recall must be filed in 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 special or General 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 a committee member circulating a petition for an initiative, referendum or recall, written instructions delineating the correct and proper procedure for circulating the petition.

INITIATIVE

Section 5.04 ~~Initiation of Measures~~Initiative Petitions

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 City Clerk affixes the words: "Proposed Ordinance on File. Fridley City Clerk: _____ Date: _____" A verified copy of the initiative must be a copy to which the City Clerk has affixed the words: "Proposed Ordinance on File. Fridley City Clerk _____, Date _____."~~

Section 5.05 Form of Initiative Petitions ~~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~~Presidential Election in the City. Each signature paper ~~shall page must~~ be in substantially the following form:

INITIATIVE PETITION

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

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

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

for their approval.

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

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

Within ~~ten (10)~~ business 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/Presidential 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~~received by the City Clerk. The City Clerk ~~shall have~~has 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. Completed Petition With Signatures Under 25%~~

~~When the completed petition is found to be sufficient, with the number of signers of the petition not less than fifteen percent (15%) and less than twenty-five percent (25%) of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not 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 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 be submitted by the Council to the electorate at the next regular municipal election.~~

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

~~When the completed petition is found to be sufficient with the number of signers of the petition equal to at least twenty-five percent (25%) or more of the total votes cast at the last state general election, the City Clerk shall transmit the initiative petition to the Council at its next meeting, stating the number of petitioners and the percentage of the total number of registered voters which they constitute. The Council shall at once read the ordinance and shall thereupon provide for a public hearing upon the ordinance. After holding the public hearing, the ordinance shall be finally acted upon by the Council not 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 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 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 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 call for a special election subject to Minnesota Election Law.~~

1. Generally. When the completed petition is found to be sufficient the City Clerk must transmit the initiative petition to the Council at its next meeting. The notification to the Council must include the number of petitioners and the percentage of the total number of votes cast in the previous Presidential Election. The Council must read the ordinance and call for a public hearing regarding the ordinance. After holding the public hearing, the ordinance must be finally acted upon by the Council no later than 65 calendar days after it was submitted to the Council by the City Clerk. If the Council passes the ordinance as submitted the ordinance becomes effective.

2. Signatures between 5-15%. If the Initiative Petition was submitted with the number of signatures between 5-15% of the total number of votes cast in the previous Presidential Election and the Council fails to pass the ordinance or passes it in a form different from that set forth in the petition, the committee-proposed ordinance must be submitted by the Council to the electorate at the next municipal election.

3. Signatures greater than 15%. If the Initiative Petition was submitted with the number of signatures greater than 15% of the total number of votes cast in the previous Presidential Election and the Council fails to pass the ordinance or passes it in a form different from that set forth in the petition before July 1 of an even year the committee-proposed ordinance must be placed on the next regular municipal election ballot. If the Council fails to pass the ordinance or passes it in a form different from that set forth in the petition after July 1 of an odd year the Council must call for a special election subject to 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 ~~voters~~electorate, the ordinances ~~shall will~~ not go into effect until the ~~City~~ Council has had ~~sixty (60)~~ calendar 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, 5% of the total votes cast at the last Presidential 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 5.03-04. 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~~ State law.

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~~ Presidential 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~~ received by the City Clerk. 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~~ will be suspended from taking effect. Such suspension ~~shall~~ terminates 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 business 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 must transmit the referendum petition to the Council at the next regular Council meeting. The Council ~~shall thereupon must~~ reconsider the ordinance and either repeal it or ~~by aye and nay vote~~ reaffirm its adherence to the ordinance as passed. If the Council votes to reaffirm the ordinance ~~by~~ before August 1st of an even year, the question shall must be placed on the next regular municipal election ballot. If ~~approved after the Council votes to reaffirm the ordinance after~~ August 1st of an even year, the Council shall must immediately order a special election to be held subject to ~~Minnesota Election Law~~State 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~~.01~~.

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 less than 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 petitions ~~shall not be considered to be~~ are not complete unless signed by at least ~~twenty five percent (25%)~~ of the total number of votes cast in the last state

~~general election~~ Presidential 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 5.03.03.

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~~ Presidential 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~~ has ~~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-10~~ business days begins on the date the letter is ~~postmarked~~ received by the City Clerk. The City Clerk ~~shall have~~ has 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~~ will 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.~~

Passed and adopted by the City Council of the City of Fridley on this xx day of [month], 2025.

Dave Ostwald - Mayor

Melissa Moore - City Clerk

Public Hearing:
First Reading:
Second Reading:
Publication:

DRAFT



Memorandum

Item 7.

Date: April 8, 2025

To: Fridley Charter Commission

CC: Fridley City Council, Wally Wysopal, Melissa Moore, Beth Kondrick

From: Dave Ostwald, Mayor

Re: Thank you

Dear Chair Johnson and Charter Commission members,

Thank you for last night's joint meeting. The Council and I were most pleased by your invitation and appreciative of your warm welcome. I continue to find the Commissioners to be a wonderful group of very dedicated citizens who take the responsibility for guardianship of the Charter seriously. As Mayor I applaud your dedication to its purposes and appreciate the commitment of time to the cause.

I hope that my Council colleagues and I were able to contribute positively to your mission by providing helpful insights into City priorities and by providing updates on important projects. Likewise, I appreciated learning more about your personal backgrounds and Commission priorities, including potential by-law changes and updates to Chapter Five of the Charter.

Regarding the latter, you have done a lot of good work over many months. I offer that further dialogue may be in order for the City Council to better understand the purposes for considering the threshold limitation changes for citizen lead initiatives. As Commissioner Reynolds mentioned, Chapter Five is one of the most essential chapters of the Charter. Therefore, I ask for more opportunities to understand its impact prior to considering a final recommendation by the Commission.

Thank you again for your dedication and commitment to the City of Fridley. I look forward to hearing back from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'David Ostwald', with a long horizontal line extending to the right.

David Ostwald, Mayor

Charter Commissioner's Exercise Regarding number of signatures needed for Chapter 5 petitions

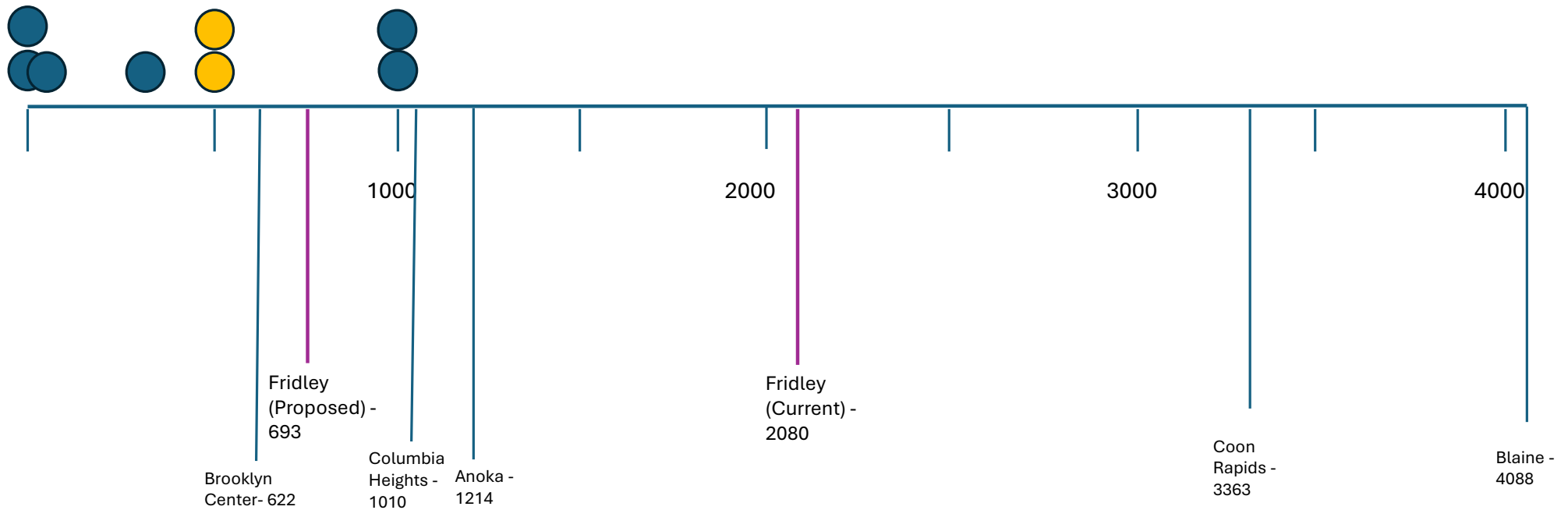
Exercise completed at 9/2/2025 meet

Note: Only 9 surveys returned. Not all attendees filled out a survey

Initiative

Signatures required (based on voter counts per city charter)

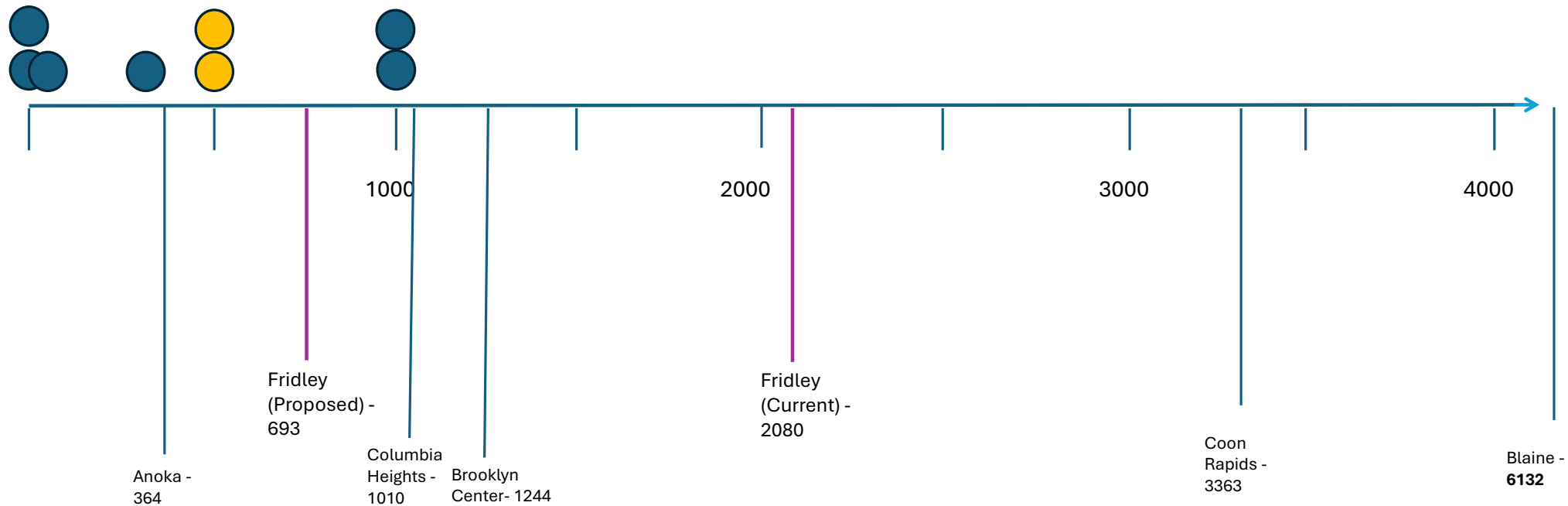
- Data points from Commissioners' Exercise
- (Median value = 500)



Referendum

Signatures required (based on voter counts per city charter)

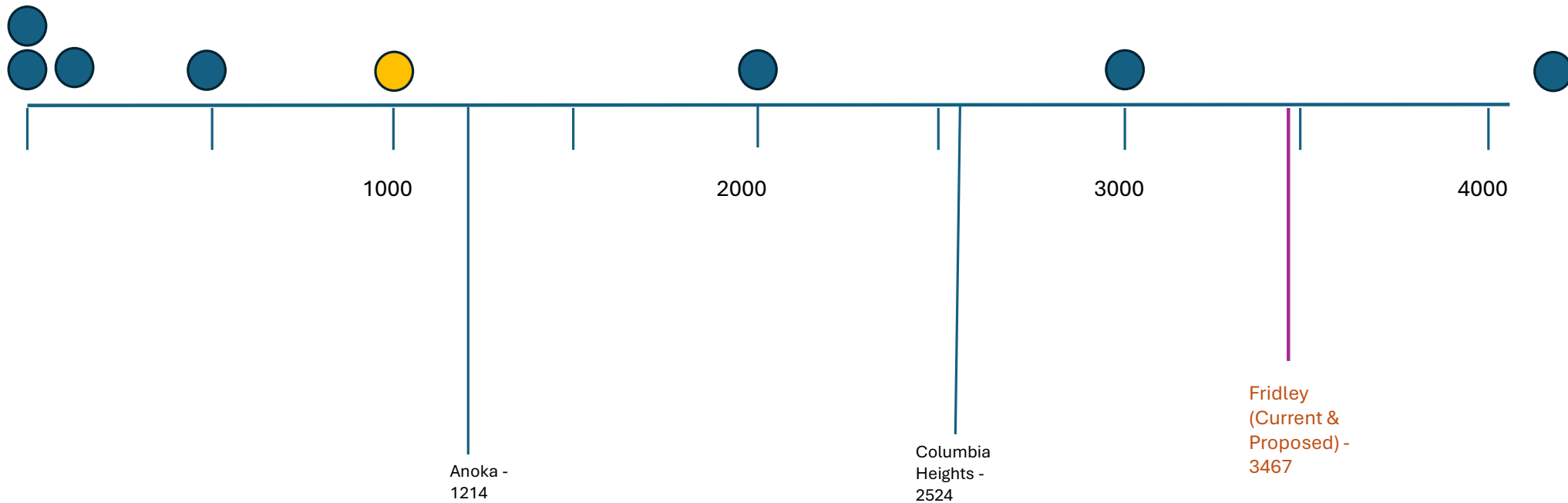
● Data points from Commissioners' Exercise
● (Median Value = 500)



Recall (Mayor & Councilman-At-Large)

Signatures required (based on voter counts per city charter)

- Data points from Commissioners'
- Exercise (Median value = 1000)
- Brooklyn Center, Coon Rapids & Blaine not have Recall article



Commissioner's Exercise – Raw Data

9/2/25 Meeting - Canvas of Charter Commission Members RAW DATA											
Signatures Required for	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	Median (Middlemost)
Initiative	1000	1000	650	500	500	300	50	6	1	No Answer	500
Referendum	1000	1000	650	500	500	300	50	6	1	No Answer	500
Recall:											
Mayor/At-Large Councilman	5000	3000	1500	2000	1000	500	100	6	1	No Answer	1000
Ward Councilman	5000	1000	1000	750	1000	500	100	6	1	No Answer	750

Commissioner’s Exercise – Other Cities

City	Basis	Year	Count	Initiative %	Initiative #	Referendum %	Referendum #	Recall %	Recall #
Fridley	Votes Cast Preceding Statewide Election (current charter)	2024	13,869	15%	2,080	15%	2,080	25%	3,467
	Votes Cast Preceding Presidential Election (proposed charter)	2024	13,869	5%	693	5%	693	25%	3,467
Col Heights	Votes Cast Preceding Municipal Election	2024	10,096	10%	1,010	10%	1,010	25%	2,524
Coon Rapids	Votes Cast Preceding Mayoral Election	2022	22,419	15%	3,363	15%	3,363	N/A	N/A
Blaine	Votes Cast Preceding Municipal Election	2024	40,879	10%	4,088	15%	6,132	N/A	N/A
Anoka	Registered Voters in City for Preceding Election	2024	12,137	10%	1,214	3%	364	10%	1,214
Brooklyn Center	Votes Cast Preceding State Election	2024	12,444	5%	622	10%	1,244	N/A	N/A



AGENDA REPORT

Meeting Date: October 6, 2025

Meeting Type: Charter Commission

Submitted By: Beth Kondrick, Deputy City Clerk

Title

Future Meeting Topics

Background

Future meeting topics requested by commissioners:

- Candidate Interview Process
- Proposed Charter language regarding who is (in)eligible to serve on the commission, specifically section 2.013 of Chapter 2
- Selection of next Chapter for review
- Commission Onboarding Manual
- Chapter 5
- Meeting Schedule Cadance
- Chapter 6

Recommendation

None.

Attachments and Other Resources

Vision Statement

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

Prepared by Commissioner
Reynolds. Provided to Item 8. ff
09-02-2025.

2-25-2025

Recommended language to amend Charter language, Chapter 2, City Council Organization, Section 2.01(3)

Add subsection 3a) to read:

The following persons shall be ineligible to serve on City commissions, appointed by the City Council, or the court appointed Charter Commission

- 1)) Any immediate family member, of any elected or appointed member of a tax authorizing body. (example: City Council, HRA, School Board)
- 2)) Any financial, and legal associates of the Mayor, any City Councilmember or any entity which the city has a financial or legal association with.
- 3)) Any employee of the City of Fridley or any other government entity. Does not apply to seasonal or short term employees.
- 4)) Any person currently serving on another advisory committee or has immediate family serving on an advisory/statutory committee.

These prohibitions do not apply to Ad-Hocs, Task Forces or other committees, which are temporary in nature.