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**ORDINANCE NO. 811
2ND SERIES**

**AN ORDINANCE AMENDING ARTICLE V OF THE HOME RULE CHARTER OF
THE CITY OF ALEXANDRIA**

*City
4/2/20*

The City Council of the City of Alexandria does ORDAIN that the Home Rule Charter of the City of Alexandria be amended as follows:

SECTION I. Section 5.01. General Provisions.

Subd. 1. Powers Reserved by the People.

The people of Alexandria reserve to themselves the powers in accordance with the provisions of this charter to initiate and adopt legislative ordinances, to require legislative measures 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 initiative, the referendum, and the recall, respectively. Initiative and referendum may not be applied to an administrative action of the city or to an ordinance that appropriates money, authorizes the levy of taxes, or involves land use or zoning.

Subd. 2. Expenditures by Petitioners.

No member of an initiative, referendum, or recall committee, no circular of a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for service rendered in connection with the circulation thereof, but this shall not prevent any such committee from incurring expenses for legal advice, stationery, copying, printing, and notaries' fees. Any violation of the provisions of this section shall constitute a misdemeanor.

Subd. 3. Further Regulations.

The council, as soon as possible after organization of the city government under this charter, shall provide by ordinance such further regulations for the initiative, referendum, and recall, not inconsistent with this charter, as may be deemed necessary. Such ordinances shall include the relevant provisions of this charter.

SECTION II. Section 5.02. Initiative.

Subd. 1. Generally.

Any five electors who are residents of the City of Alexandria may form themselves into a committee for the initiation of any legislative measure of public concern. After formulating their measure they shall file a verified copy thereof with the city clerk, together with their names and addresses as members of such committee. They shall

also attached a verified copy of the proposed measure to each of the signature papers herein described, together with their names and addresses as sponsors therefor.

Subd. 2. Form of Petition and Signature Papers.

The petition for the adoption of any measure shall consist of the measure, together with all the signature papers and affidavits thereto attached. Such petition shall not be complete unless signed by a number of voters equal to at least ten percent of the total number of votes cast at the last preceding regular municipal election. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper shall be substantially the following form:

Initiative Petition

proposing an ordinance to _____ (stating the purpose of the measure), a copy of which ordinance is hereto attached. This measure is sponsored by the following committee of electors:

Name	Address
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
5 _____	_____

Instructions to Petition Signers

You are being asked to sign a petition. You must be a resident of, and a registered voter, in the City of Alexandria. Every person signing this petition must do so in the presence of the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition.

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

	<u>Date</u>	<u>Legal Signature</u>	<u>Name (print legibly)</u>	<u>Address (print legibly)</u>
1.				
2.				
3.				

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above.

Subd. 3. Filing of Petition and Action Thereon.

All the signature papers shall be filed in the office of the city clerk as one instrument. Within ten (10) days after the filing of the petition the city clerk shall ascertain by examination the number of electors who

signatures are appended thereto, and whether this number is at least ten per cent of the total number of electors who cast their votes at the last preceding regular municipal election. If the city clerk finds the petition insufficient or irregular, the city clerk shall at once notify one or more of the committee of sponsors of that fact, certifying the reasons for that finding. The committee shall then be given thirty days in which to file additional signature papers and to correct the petition in all other particulars. If at the end of that period the petition is found to be still insufficient or irregular, the city clerk shall file the same in the city clerk's office and shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose, nor shall it prevent the council from referring the measure to the electors at the next regular or any special election, at its option.

Subd. 4. Action of Council on Petition.

Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, stating the number of petitioners, and the percentage of the total number of voters which they constitute, and the council shall at once read the measure and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the measure, after the holding of which the measure shall be finally acted upon by the council not later than sixty-five days after the date upon which such measure was submitted to the council by the city clerk. If the council shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed measure shall be submitted by the council to the vote of the electors at the next regular municipal election. But in case the number of signers of said petition is equal to at least fifteen per center of the total number of voters voting at the last regular municipal election, then the council shall call a special election upon the measure to be held not less than thirty nor more than forty-five days from such date, unless a regular election is to occur within three months, in which case it may be submitted at such regular municipal election. Provided, further, that no such special election may be held sooner than allows by state law. In case the council passes the proposed measure with amendments and at least four-fifths of the committee of petitioner do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the measure need not be submitted to the electors.

Subd. 5. Initiative Ballots.

The ballots used when voting upon any such proposed measure shall state the substance thereof, and shall give the voter the opportunity to vote either "For the measure" or "Against the measure." If a majority of the electors voting on any such measure shall vote in favor thereof, it shall

thereupon become an ordinance of the city as the case may be. Any number of proposed measures may be voted upon at the same election, but in case there shall be more than one, the voter shall be allowed to vote for or against each separately.

Subd. 6. Initiation of Charter Amendments.

Nothing in this charter contained shall be construed as in any way affecting the right of the electors under the constitution and statutes of Minnesota to propose amendments to this charter.

SECTION III. Sec. 5.03. Referendum.

Subd. 1. Generally.

If prior to the date when an ordinance takes effect a petition signed by qualified electors of the city equal in number to fifteen percent of the total vote at the last regular municipal election be filed with the city clerk requesting that any such measure, or any part thereof, be repealed or be submitted to a vote of the electors, the said measure shall thereby be prevented from going into operation. The council shall thereupon reconsider the said measure at its next regular meeting and either repeal the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by vote reaffirm its adherence to the measure as passed.

Subd. 2. Referendum Petition.

The requirements laid down in Section 5.02, Subdivisions 1 and 2 as to the formation of committees for the initiation of measures and as to the form of petitions and signature papers shall apply to the referendum as far as possible, but with such verbal changes as may be necessary. A referendum petition shall read substantially as follows:

Referendum Petition

proposing the repeal (or partial repeal, as the case may be) of an ordinance to (stating the purpose of the measure), a copy of which ordinance is hereto attached. The proposed repeal is sponsored by the following committee of electors:

Name	Address
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
5 _____	_____

Instructions to Petition Signers

You are being asked to sign a petition. You must be a resident of, and a registered voter in, the City of Alexandria. Every person signing this petition must do so in the presence of the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition.

The undersigned qualified registered voters, understanding the nature of the ordinance hereto attached and believing it is to be detrimental to the welfare of the City,

petition the Council for its submission to a vote of the voters for their approval or disapproval.

	<u>Date</u>	<u>Legal Signature</u>	<u>Name (print legibly)</u>	<u>Address (print legibly)</u>
1.				
2.				
3.				

At the end of the list of signatures shall be appended the affidavit of the circular, mentioned above.

Subd. 3. Referendum Ballots.

The ballots used in any referendum election shall conform as nearly as possible to the rules laid down in Sec. 5.02, Subd. 5, of this charter for initiative ballots.

Subd. 4. Referendum Relating to Charter Amendments.

If a referendum relates to an ordinance to amend this Charter, then state law shall govern the process for such referendum.

SECTION IV. Sec. 5.04. Recall.

Subd. 1. Generally.

Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city, and any five electors of any ward may form themselves into a committee for the purpose of bringing about the recall of any elected officer of that ward. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about his or her recall. The grounds as set forth in the recall petition must be predicated on one (1) or more charges of malfeasance, nonfeasance or both, as the same may be defined by state law. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

Subd. 2. Recall Petitions.

The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Every circulator of a signature paper must be a resident of the state of Minnesota. Each signature paper shall be in substantially the following form:

Recall Petition

proposing the recall of _____ from
his/her office as _____,

which recall is sought for the reasons set forth in the attached certificate. This movement is sponsored by the following committee of electors who are all residents of the City of Alexandria:

Name	Address
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
5 _____	_____

Instructions to Petition Signers

You are being asked to sign a petition. You must be a resident of, and a registered voter in, the City of Alexandria. Every person signing this petition must do so in the presence of the person circulating the petition. It is a criminal offense to sign a name other than your own to the petition or to accept compensation for signing your name to the petition.

The undersigned registered voters, all being eligible to vote on candidates for that office, understanding the nature of the charges against the elected officer herein sought to be recalled, desire the holding of a recall election for that purpose.

	<u>Date</u>	<u>Legal Signature</u>	<u>Name (print legibly)</u>	<u>Address (print legibly)</u>
1.				
2.				
3.				

At the end of the list of signatures shall be appended the affidavit of the circular, mentioned above.

Subd. 3. Filing of Petitions.

Within thirty days after the filing of the original certificate, the committee shall file the completed petition in the office of the city clerk. The city clerk shall examine the same within the next ten (10) days, and if the clerk finds it irregular in any way or finds that the number of signers is less than twenty-five percent of the total number of electors of the city or ward, as the case may be, who cast their votes at the last preceding regular municipal election for all candidates for the office in question, the clerk shall so notify one or more members of the committee. The committee shall then be given ten (10) 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. If at the end of that time the city clerk finds the petition still insufficient or irregular the clerk shall notify all the members of the committee to that effect and shall file the petition in his office. No further action shall be taken thereon.

Subd. 4. Recall Election.

If the petition or amended petition be found sufficient, the city clerk shall 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 motion, provide for the holding of a special recall election throughout the city or in the ward in question, not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time. Provided, further, that no such special election may be held sooner than allowed by state law.

In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the statement of the grounds for the recall and also, in not more than 500 words, the answer of the officer concerned in justification of his course 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.

Subd. 5. Form of Recall Ballot.

Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A _____ be recalled from the office of _____?" the name of the officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not himself be, a candidate upon such ballot. In case a majority of those voting for and against the recall of any official shall vote in favor of recalling such official, the official shall be thereby removed from office, and in that event, the candidate who receives the highest number of votes for the office shall be elected thereto for the remainder of the unexpired term. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the vacancy shall be filled in accordance with the provision of Sec. 2.06, Subd. 2.

SECTION V. Sec. 5.05. Offenses; penalty.

It is unlawful for a person to:

- a. Sign a name other than that person's own name to an initiative, referendum or recall petition;
- b. Circulate an initiative or referendum petition without required attachments;
- c. Circulate an initiative, referendum or recall petition when unqualified to do so;
- d. Sign an initiative, referendum, or recall petition when that person knows he or she is not qualified to do so;
- e. Make a false affidavit in connection with an initiative, referendum, or recall petition;

- f. Pay or offer to pay a person, or receive payment or agree to receive payment, for signing an initiative, referendum or recall petition;
- g. Pay or offer to pay a person, or receive payment or agree to receive payment, on a basis related to the number of signatures obtained for circulating an initiative, referendum, or recall petition. This subsection does not prohibit the payment of salary and expenses for circulation of the petition on a basis not related to the number of signature obtained, as long as the circulators fully disclose all contributions received to the city clerk upon submission of the petitions.

A violation of this section is a misdemeanor punishable in accordance with state law.

SECTION VI. This Ordinance shall be in full force and effect from and after its passage and publication.

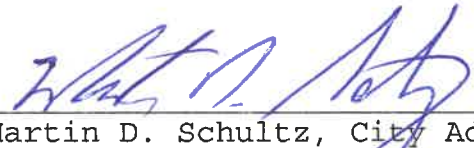
ADOPTED by the City Council of the City of Alexandria this 12th day of August, 2019, by the following vote:

YES: Franzen, Thalman, Osterberg, Benson, Jensen

NO: None

ABSENT: None


Sara Carlson, Mayor

ATTEST: 
Martin D. Schultz, City Administrator