



Proposed Amendments to the Richfield City Charter

August 10, 2022 City Council Work Session



History of City Charter

- Home rule charter vs Statutory cities
 - City Charter adopted November 3rd, 1964
 - Number of amendments since adoption



Charter Amendment Process

- Under state law, a city charter can essentially be amended in two ways



1. Amendment by proposal

- a. Proposal by charter commission. May propose amendments to the charter at any time.
- b. By citizen petition. The charter commission must propose amendments upon receipt of a petition signed by a number of registered voters equal to 5 percent of the total votes cast at the previous state general election in the city. The petition must meet the requirements established by state law.

2. Amendment by ordinance

- a. Proposal by City Council.
- b. The charter commission may recommend that the city council amend the charter by ordinance.

General Changes

- Grammar, spelling etc.
- Updating year “19” to “20” in document i.e.
 - 1922 vs. 2022
- City Attorney did minor edits to bring charter in line with state statute and best practices.
- Clarification of dates determined by state statute for elections “on the first date authorized by state law .”

General Changes

- Change references to time for consistency- 6 months to 180 days (Sec. 5.20).
- Change “**district**” to “**ward**”.
- Change phrasing for added clarity, Ex:
 - **Section 7.12.** ~~There must be maintained in t~~The City treasury must maintain the funds provided for in this section.
 - **Subdivision 1. General Fund.** ...~~Into this fund are to be paid m~~Monies not otherwise ~~provided designated~~ by statute, ordinance, or this Charter to be paid into any other fund must be paid into this fund.

General Changes

- Change all instances of “shall” to either “must”, “may”, “can”, or “will”, for clarity.
- Examples:
 - The appointment ~~shall~~ must be the first order of business of such meeting.
 - No change in salary ~~shall~~ may take effect until after the next succeeding municipal election.
 - No member of the Council ~~shall~~ can be appointed City Manager, nor ~~shall~~ can any member hold any paid municipal office or employment with the City.
 - This Charter ~~shall~~ will be a public act and need not be pleaded or proved in any case.



CHAPTER 2.

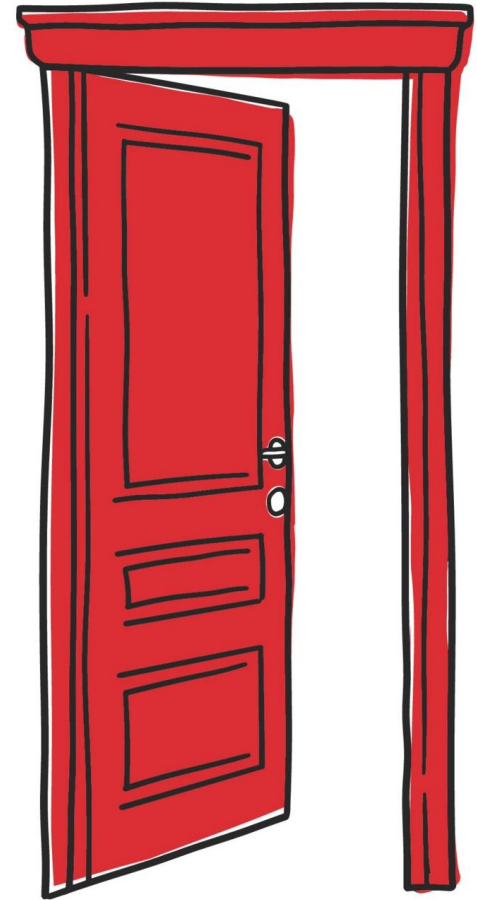
FORM OF GOVERNMENT

Section 2.05. Vacancies

Proposed

“Subd. 2. Declaration of Vacancy.

When a vacancy occurs, the Council must by resolution, at a regular or special Council meeting, declare the vacancy to exist.”



CHAPTER 2.

FORM OF GOVERNMENT

Section 2.06. The Mayor

Proposed

“Subdivision 1. The Mayor ~~shall~~may study the operations of the City government and ~~shall~~will report to the Council any neglect, dereliction of duty, or waste on the part of any officer or department of the City.” In time of public danger or emergency the Mayor may, ~~with the consent of the Council, take command of~~ coordinate with the City manager, police chief, and fire chief as part of the emergency response system to communicate with the public and to aid in identifying resources to assist the police, to maintain order and enforce the law ~~and to respond to the emergency including, but not limited to, requesting assistance from federal, state, and local agencies as may be needed.~~”



CHAPTER 2.

FORM OF GOVERNMENT

Section 2.06. The Mayor

Proposed

“Subd. 2. Vacancy in Office of Mayor

(2) Procedure Following Vacancy...If 180 days or more remain in the unexpired term following the vacancy in the office of Mayor, a special election shall be called at the regular Council meeting at which the declaration is made or at the next regular Council meeting following the death or resignation of the Mayor, as the case may be, and the election shall be held ~~not less than 30 nor more than 60 days after the meeting at which the election is called~~ on the first date authorized by state law.”

- Changed “president” to Mayor Pro Tem

CHAPTER 3.

PROCEDURE OF COUNCIL

Section 3.01. Council Meetings.

Proposed

“...The Mayor or any two members of the Council may call special or emergency meetings of the Council upon ~~at least twelve hours reasonable~~ notice to each member of the Council and such other notice as required by law. ~~The n~~Notice to Council Members of a special or emergency meeting may be by personal delivery, telephone or other electronic means as may be needed to ensure they receive the notice must be delivered personally to each member or be left at the Member's usual place of residence with some responsible person....”



CHAPTER 3.

PROCEDURE OF COUNCIL

Section 3.09. When Ordinances and Resolutions Take Effect.

Proposed

“~~A~~~~r~~Resolutions, interim ordinances adopted pursuant to Minnesota Statutes, Section 462.355, ~~or~~ and~~d~~ emergency ordinance~~s~~~~is~~~~are~~ effective immediately upon ~~its~~ passage or at such later date as is fixed in ~~the ordinance or resolution.~~ ...”



CHAPTER 3.

PROCEDURE OF COUNCIL

Section 3.11. Codification and Publication of Ordinances.

Proposed

“The City ~~shall~~ will codify and publish an ordinance code through electronic means, in books, pamphlets or continuous reference loose leaf form. Copies ~~shall~~ will be made available by the Council at the office of the City Clerk for general distribution to the public free or at a reasonable charge.”

VIEW WHAT'S CHANGED

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality.

Adopted Ordinances Not Yet Codified

The listing below includes all legislation received by Municipal Code since the last update (printed or electronic) to the Code of Ordinances. This legislation has been enacted, but has not yet been codified.

CHAPTER 3.

PROCEDURE OF COUNCIL

Section 3.13. Electronic Signatures.

Original

City charter silent on electronic signatures

Proposed

“The City may establish policies and procedures in accordance with law to allow for the use of electronic or facsimile signatures by anyone authorized to sign documents on behalf of the City and for the acceptance of documents signed electronically.”

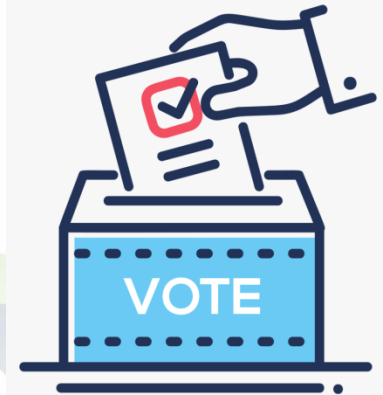
CHAPTER 4.

NOMINATIONS AND ELECTIONS

Section 4.01. The Regular Municipal Election.

Proposed

“The regular municipal election shall be held on the first Tuesday after the first Monday in November of each even numbered year at such place or places as the City Council may designate. The City Clerk shall give at least ~~two (2)~~ ~~weeks previous~~ 14 days’ notice of the time and place of holding such election, ~~and of the officers to be elected, and~~ such other information as required by law. The notice must ~~by be posted in the City Clerk's office~~ Richfield Municipal Center and on the City website and ~~by publication~~ published at least once in the official newspaper, but failure to give such notice shall not invalidate such election.”



CHAPTER 4.

NOMINATIONS AND ELECTIONS

Section 4.02. Primary Election.

Proposed

~~“On the second Tuesday in August preceding the regular municipal election~~
~~such dates that are authorized by law,~~ there ~~shall~~ will be a primary election for
the selection of two nominees for each elected office at the regular municipal
election unless no more than two nominees file for each elective office. Notice
of the primary election is given in the same manner as provided in section 4.01
for regular elections, except that notice of a primary election must also be
posted in at least one public place in each voting precinct. The City Clerk shall
give at least two weeks previous notice of the time and place of holding such
election and of the officers to be elected by posting in at least one public place
in each voting precinct and by publication at least once in the official
~~newspaper, but f~~Failure to give such notice shall will not invalidate such
election.”

CHAPTER 4.

NOMINATIONS AND ELECTIONS

Section 4.03. Special Elections.

Proposed

“The Council may by resolution order a special election and provide all means for holding it.

Notice of a special election is given in the same manner as provided in section 4.01 for regular elections, except that notice of a special election must be published for ~~At least two consecutive weeks published notice of a special election shall be given~~ in the official newspaper. The procedure of such election shall will conform as nearly as possible to that prescribed for other municipal elections. Special elections shall be held on dates as required by law.”



CHAPTER 6.

ADMINISTRATION OF CITY AFFAIRS

Section 6.02. Powers and Duties of the City Manager.

Proposed

“**Subd. 3.** ...The Director of Public Safety, having administrative and supervisory control over the police and other non-civil-service divisions of the Department of Public Safety, is not under the jurisdiction of the ~~police and fire~~ ~~Civil sService~~ ~~C~~ommission of the City. Appointment or removal of department heads ~~shall~~ will be made final only upon a majority vote of the Council.”

“**Subd. 6.** The City Manager ~~shall~~ will attend all meetings of the Council with the right to take part in the discussion, but not to vote. ~~but~~ The Council may ~~not attend~~ exclude the Manager from any meeting at which the Council is considering ~~his or her~~ the Manager's dismissal.”

CHAPTER 6.

ADMINISTRATION OF CITY AFFAIRS

Section 6.04. Right of City Manager and Other Officers in Council.

Proposed

~~“The City Manager, the heads of all departments and such other officers of the City as may be designated by vote of the Council, shall be entitled to seats in the Council, but shall have no vote therein.~~ The City Manager ~~shall~~ will have the right to take part in the discussion of all matters coming before the Council, except as provided in Section 6.02, Subdivision 6, and the department heads and other officers ~~shall~~ will be entitled to take part in all discussions of the Council relating to their respective offices¹ ~~and departments or agencies.”~~

CHAPTER 9.

EMINENT DOMAIN

Section 9.01. Power to Acquire Property.

Proposed

“The City may acquire, by purchase, gift, devise, or condemnation or other lawful means, any property or property right, ~~corporeal or incorporeal~~, either within or without its corporate boundaries, which may be needed by the City for any public use or purpose. ~~Easements for slopes, fills, sewers, building lines, poles, wires, pipes and conduits for water, gas, heat and power may be acquired by gift, devise, purchase, or condemnation in the manner provided by law.~~”



CHAPTER 9.

EMINENT DOMAIN

Proposed

Delete following sections:



- Section 9.03. Payment of Award.
- Section 9.04. City May Abandon Proceedings.
- Section 9.05. City May Take Entire Plant.

CHAPTER 10. FRANCHISES

Section 10.02. Term.

Proposed

“~~No perpetual franchise or privilege shall ever be created, nor shall any or exclusive franchise may be granted by the City or privilege be granted unless the proposed grant be first submitted to the voters of the City, and be approved by a majority of those voting thereon, nor in such case for a period of more than 25 years.”~~



CHAPTER 10. FRANCHISES

Section 10.04. Power of Regulation Reserved.

Proposed

“ Subject to any applicable law the Council may, by ordinance, reasonably regulate and control the exercise of any franchise, including the maximum rates, fares, or prices to ~~be charged by under any applicable law, ordinance, or regulation or in proceedings for municipal acquisition of the grantee's property by purchase or eminent domain.~~”



CHAPTER 11.

PUBLIC OWNERSHIP AND OPERATION OF UTILITIES

Section 11.04. Lease of Plant.

Proposed

“The Council may, if the public interests will be served thereby, contract with ~~any responsible person, co-partnership or corporation~~ private party for the operation of any utility owned by the City, upon such rentals and conditions as it may deem necessary. ~~but s~~Such contract ~~shall~~ must be embodied in and let only by ordinance, which ~~shall~~ may not be an emergency ordinance. In no case ~~shall~~ will such contract be for a longer term than ten (10) years.



CHAPTER 13.

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 13.01. Official Publications.

Proposed

“The Council ~~shall~~ must annually designate a legal newspaper of general circulation in the City as its official newspaper. ~~in which shall be published~~ This newspaper will publish all ordinances and other matters required by law to be so published, as well as such other matters as the Council may deem it in the public interest to have published ~~in this manner.~~ The City may provide notices electronically as an additional form of notice or, to the extent allowed by law, as an alternative to published notices.”

CHAPTER 13.

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 13.02. Oath of Office.

Proposed

“Every elected* officer of the City and any other officer so required by law ~~shall~~ must, before entering upon the duties of office, take and subscribe an oath of office in substantially the following form: "I do solemnly swear (or affirm) to support the Constitution and laws of the United States and of the State of Minnesota and the Charter and ordinances of the City of Richfield and to discharge faithfully the duties devolving upon me as (Mayor, Council Member, ~~City Manager~~, etc.) of the City of Richfield to the best of my judgment and ability."



* Recent correction

CHAPTER 13.

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 13.03. Official Bonds.

Proposed

~~“The City Manager, the City Clerk, the City Treasurer, and such other o~~ Officers
~~or and~~ employees of the City required as may be provided for by ordinance or
law shall each to supply a bond must, before entering upon the duties of his or
her respective office or employment, give a corporate surety bond to the City in
such form and in such amount as may be fixed by the Council as security for
the faithful performance of his or her official duties and the safekeeping of the
public funds. Such bonds may be either individual or blanket bonds in the
discretion of the Council. They ~~shall~~ will be approved by the City Council, and
approved as to form by the City Attorney, and filed with the City Clerk. The
premiums on the bonds ~~shall~~ will be paid by the City.”

CHAPTER 13.

MISCELLANEOUS AND TRANSITORY PROVISIONS

Section 13.11. Disposition of Fines and Penalties.

Proposed

“All fines, forfeitures and penalties received for the violation of any ordinance must be paid into the City treasury. ~~Every court or officer receiving such monies, within thirty (30) days thereafter, shall make return thereof under oath and shall be entitled to duplicate receipts for the amount paid. One of the receipts shall be filed with the City Clerk.~~”



CHAPTER 13.

MISCELLANEOUS AND TRANSITORY PROVISIONS

New Section

Section 13.14. Authority for Expenditures.

Proposed

“The City Council may establish a public expenditure policy (“Policy”) to identify certain types of expenditures as being for a public purpose and within the City’s authority to expend City funds on. The Policy will not limit the authority of the City to make expenditures otherwise authorized by law... which

- 1) benefits the community as a whole;
- 2) are directly related to governmental functions; and
- 3) primarily benefits the public interest, not a private interest.

Expenditures related to any of the following activities will be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The Council may also provide specific authorization regarding any other expenditure.”

CHAPTER 13. MISCELLANEOUS AND TRANSITORY PROVISIONS

Proposed

Delete Following sections:

- Section 13.07. Present Officers to Hold Office Till When.
- Section 13.10. Pending Condemnations and Assessments.

QUESTIONS?

