



CITY OF CORCORAN  
Corcoran Charter Commission  
Special Meeting Agenda  
March 21, 2023 – 5:30pm

1. Call to Order / Roll Call
2. Pledge of Allegiance
3. Agenda Approval
4. Open Forum
5. Approval of Minutes
6. Unfinished Business
  - a. Ward Discussion\*
  - i. League of Minnesota Cities Ward Presentation
7. New Business
8. Adjournment

**HYBRID MEETING OPTION AVAILABLE**

*The public is invited to attend the regular Council meetings at City Hall.*

**Meeting Via Telephone/Other Electronic Means**

**Call-in Instructions:**

+1 312 626 6799 US

**Enter Meeting ID: 820 2335 5135**

Press \*9 to speak during the Public

Comment Sections in the meeting.

**Video Link and Instructions:**

<https://us02web.zoom.us/j/82023355135>

visit <http://www.zoom.us> and enter

**Meeting ID: 820 2335 5135**

Participants can utilize the Raise Hand function to be recognized to speak during the Public Comment sections in the meeting. Participant video feeds will be muted. **In-person comments will be received first, with the hybrid electronic means option following.**

For more information on options to provide public comment visit:

[www.corcoranmn.gov](http://www.corcoranmn.gov)

**\*Includes Materials** - Materials relating to these agenda items can be found in the House Agenda Packet book located by the entrance. The complete Council Agenda Packet is available electronically on the City website at [www.corcoranmn.gov](http://www.corcoranmn.gov).



# CITY OF CORCORAN

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## MEMO

Meeting Date: March 21, 2023 Special Meeting

To: Charter Commission

From: Jessica Beise, City Administrator

Re: Continuation of Ward Discussion

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The Charter Commission began discussions of Wards in Corcoran in 2018. Past discussions included implementation, impacts, and ward boundaries within Corcoran.

### Charter Commission Action:

- Receive presentation by League of Minnesota Cities
- Discuss option of establishing a Ward system. If supportive, the Charter Commission should also discuss timeline and process.

### Attachments:

1. Home Rule Charter City – League of Minnesota Cities
2. Charter History
3. Memo from Plymouth – At-Large, Ward, Mixed Systems
4. 2019 Memo on Implementing a Ward System



## HANDBOOK FOR MINNESOTA CITIES

# Chapter 4

## The Home Rule Charter City

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## **Chapter 4**

# **The Home Rule Charter City**

*Understand the authority to form a home rule charter city, charter city powers and the ways it may be organized. Contrast charter cities to those operating under the statutory city code. These broad categories are the two basic types of city organization available in Minnesota.*

### **RELEVANT LINKS:**

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

See Part VIII – *Conflicts with state law.*

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

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

## **I. Home rule in Minnesota**

The Minnesota Constitution permits the Legislature to establish home rule charter cities, counties, and other units of local government. State statutes enacted under this constitutional authority authorize cities to adopt home rule charters. Any city may adopt a home rule charter. Of the 854 cities in the state, 107 are currently operating under a voter-approved home rule charter.

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

## **II. Distinction between home rule charter and statutory cities**

The major difference between home rule cities and statutory cities in Minnesota is the kind of 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 cities obtain their powers from a home rule charter. The distinction between home rule 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 charter. In addition, when a charter is silent on a matter addressed in the statutory city code (or other general law), the home rule charter city can generally use that statutory authority as well.

## RELEVANT LINKS:

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

Statutory cities are sometimes interested in home rule charters themselves. This may occur when problems arise that cannot be solved under the statutory city code. When a statutory city finds itself in such a 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 city with a charter provision that provides the necessary authority.

### III. The home rule charter

Home rule charters are, in effect, local constitutions. State laws give cities a wide range of discretion to draft charters that will meet the specific needs of the community.

#### A. Forms of city organization

The charter may provide for any form of municipal government that is consistent with state laws that apply uniformly to all cities in Minnesota. Home rule charter cities in Minnesota have operated under the following four forms of city government. An individual charter may, 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 74 of the 107 home rule charter cities. Under this plan, administrative and legislative authority is the council's ultimate responsibility. The powers of the mayor are generally no greater (or less) than those of any other member of the council. No individual councilmember 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 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 councilmember but can veto council legislation, and prepares and administers a budget that is subject to council approval. The chief functions of the council are to legislate and set policies.

## RELEVANT LINKS:

[LMC Charter Assistance Program.](#)

See Part V-C – *Amendments.*

See Part VII – *Charter subjects and provisions.*

### 3. Council-manager

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

### 4. Commission

Under the commission form of government, each elected councilmember is responsible for a particular administrative department. So, in addition to having duties as a legislative official, the councilmember 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 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 of home rule include:

- One of the principal virtues of the home rule charter is that it allows each city to tailor its charter to its own individual needs and desires (cities are encouraged to contact the League of Minnesota Cities Charter Assistance Program for model and sample charters, research memos, and advice that will assist in drafting, amending, or adopting a charter). City residents draft, adopt, and amend the city's charter.
- A home rule 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 home rule process educates the voters of the city. Some work on charter commissions, while others will learn about the charter and any amendments when they vote 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 general state laws are silent on a specific subject, local citizens may address them in their city's charter.
- A charter may provide for initiative and referendum, recall, and election of councilmembers by wards.
- City charters sometimes include limitations that are more stringent than those in the general state laws. For example, a few home rule charters contain tax and debt limitations.
- The cost of government under a city charter need not be greater or less than the cost of the statutory city form of government.

## RELEVANT LINKS:

National Civic League  
Model City Charter, Ninth  
Edition (2021).

### C. Disadvantages of a home rule charter

A home rule charter also has its disadvantages. Some of these can include:

- While the cost of preparing a home rule charter should be relatively minor, the smaller the community, the larger the cost in proportion to population.
- Poor charter drafting can be a problem. A charter city can minimize these concerns by relying on model charters and consulting competent professional advice.
- The process for amending a charter is often time-consuming and cumbersome.
- 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.
- If the city charter provides for special elections, election expenses may be overly burdensome to city budgets.
- Anyone looking for the applicable law relating to a home rule charter city must consult not only the state statutes, but the particular home rule charter. Only a few collections of the home rule charters exist. An up-to-date copy of a city charter is of utmost importance to ensure the advice is accurate.
- 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 home rule charter may, however, only be relevant to those cities that have very similar charter provisions.
- The procedure for abandoning the charter form of city government may be similarly complicated.

### D. Essentials of a good home rule charter

Effective charters maximize the advantages while minimizing the potential disadvantages. In addition, a good home rule charter will also address the following:

#### 1. Comprehensive grant of power

The most essential element of a good 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 welfare of the people, and city residents are in 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 it necessary, the charter can include initiative, referendum, and possibly recall provisions as additional checks to prevent the abuse of power.

An example of a comprehensive grant of power clause in a home rule 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 charter. Provisions should be simple and clear, avoiding the possibility of more than one interpretation. A 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 home rule 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 makes city government more effective by reducing the number of working parts.

## **5. Centralize administration**

Whenever possible, the charter should centralize responsibility for administration in one person: a chief administrative officer.

## RELEVANT LINKS:

[Minn. Stat. § 205.07.](#)

[Minn. Stat. § 410.05, subd. 1.](#)

[Minnesota District Courts.](#)

[Minn. Stat. § 410.05, subd. 5.](#)

See Section IV-D –  
*Dissolution.*

This encourages and rewards expertise and efficiency in the administration of the city.

## 6. Representative democracy

A charter should emphasize representative democracy. A city should limit the number of elective offices so voters will be able to intelligently cast their ballots. The 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. Councilmember terms should be long enough (up to four years) to gain experience. State law mandates that most council terms be four years, although a two-year mayoral term is allowed.

## 7. Advisory boards

All advisory boards should report directly to the city council.

# IV. The charter commission

## A. Creation

Every home rule charter begins with the appointment of a charter commission by the state district court. There are three ways a city's charter commission may be created:

- First, the chief judge of the district court in which the city lies may appoint a charter commission if it is deemed to be in the best interest of the city. The court will probably not do this without local interest in the matter.
- Second, the court must make the appointment if it receives a petition signed by voters who constitute at least 10 percent 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.
- Third, the city council may, by resolution, request 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. Mere failure of the body to meet, 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 seven 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 home rule charter may amend the charter to fix the size of the commission to be between seven 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 may hold some other public office or employment except for a judicial office. City councilmembers may serve on charter commissions.

However, the city's charter may provide that members of the governing body cannot serve on the charter commission. Charter commission members may serve unlimited successive terms.

The court may receive information from interested citizens concerning these appointments. A city council, the petitioners requesting appointment of a commission or, in the case of new appointments to an existing commission, the charter commission itself, may 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 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 commission will experience vacancies due to various reasons, such as death, inability to perform duties, resignation (including failure to file the acceptance and oath of office), or based on moving out of the corporate limits of the city. The district court may remove members from the 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 commission without satisfactory explanation, a majority of the members may sign a request for the member's removal and the court must order the removal.

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

### C. Purpose and functions

The primary concern of a new charter commission in a statutory city is discussing and drafting a home rule charter document to be voted on by the city's residents.

If the voters reject the first charter proposed by a commission (absent discharge of the commission by a vote of its members or a referendum by the city's voters), the commission may 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 commission must file an annual report of its activities with the chief judge on or before Dec. 31 of each year and must send a copy of the report to the city clerk.

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

The charter commission is like a standing constitutional convention. It has the power to propose charter changes at any time. If the city's charter does not work or proves to be faulty in operation, it is the commission's duty to propose improvements. It should, therefore, meet at regular intervals as required and keep its organization intact should any emergency arise.

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

An appointed charter commission in a statutory city (where a home rule charter has not been adopted) may be discharged in only one of the following ways:

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

If dissolved, another commission may not 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 home rule charter is abandoned through the statutory process for changing the city form of government.

## V. The charter process

### A. Drafting

In a statutory city without a home rule charter, the new charter commission must deliver to the city clerk the draft of a proposed charter or a report that states a home rule 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 commission must sign it.

When a majority of commission members approves a charter draft, the commission should make and authenticate at least three identical, clear copies. All the members who approved the draft should sign each of the copies. One copy should go to the clerk of the city, 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.](#)

[Minn. Stat. § 410.10, subd. 1.](#)

[Minn. Stat. § 410.10, subd. 1.](#)

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

The League of Minnesota Cities Charter Assistance Program can be of assistance in furnishing the commission with pertinent charter materials. The charter commission may also find it helpful to have a member of the League's staff attend an early meeting of the commission to talk about forms of government, drafting procedures, and major policy problems. The League will also provide general advice. For a nominal fee, League counsel will examine and comment on an existing charter, charter draft, or amendment.

Most proposed charters have been sent to the League for this kind of review and comment.

## 2. Community involvement

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

### B. Election

After receiving the signed draft charter, the clerk notifies the city council of its receipt and will typically remind the council to submit the charter to an election of the voters. If the council fails to do so, the court may order it. The ordinary rules of the conduct of elections apply and the city covers the expense of a charter election.

The charter commission may recall its proposed charter at any time before the council has fixed a date for the election. The council may authorize the commission to recall the charter at any time prior to 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 clerk receives the draft, the council must call a special 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 may either postpone the election on the charter until that general election, or it may call for a special election prior to the general election. If the election is held at the same time as the general election, the voting places and election officers shall be the same for both elections.

The notice of election must include the complete charter. The notice must be published once a week for two successive weeks in the official newspaper and may 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 charter? There are sometimes different views about the role of the charter commission and that of individual commission members.

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

In other cities, the commission as a whole has not been involved in the campaign, but sometimes individual members have participated. Because the statutes do not address the subject, what 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 charter and why or is likely to be more interested in the outcome of the charter election.

No outsider can give much advice on how to campaign for adoption of the 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 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 charter. Frankness and honesty about the contents of the charter can help "disarm" the opposition. Throughout its entire proceedings, the 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*, 256  
Minn. 581, 99 N.W.2d 468  
(1959).

Minn. Stat. § 410.11.

While efforts to inform voters about the 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 commission members in their role as private citizens seem acceptable, provided they do not claim to speak for the entire commission.

## 2. Ballot

The ballot shall bear 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 may indicate his or her choice). If alternative charters or charter provisions are submitted, the ballot shall be so printed as to permit the voter to indicate the preferred language.

## 3. Ratification

The majority needed to adopt a charter is 51 percent of those voting on the question at the election.

A three-fourths majority, however, is needed if a proposed charter alters liquor patrol limits (provisions to remove or amend charter provisions changing the sale of intoxicating liquor require a 55 percent majority). Statutory provisions specifying the percentage of necessary votes to adopt a new or revised charter or to amend a charter supersede conflicting charter provisions.

## 4. Filing

If voters adopt the 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 charter giving the date of the election and the vote by which the charter was adopted, must accompany each copy.

Although the Minnesota Constitution and laws do not require it, the charter commission should retain at least one copy of the charter. Printed copies of the 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 charter and it will be available to other Minnesota charter commissions considering new or amended charters. If the city has a website, it may want to consider posting an electronic copy of the 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 charter will take effect 30 days after the election or at another time specified by the charter. The charter supersedes any previous charter of the city. The courts must take judicial notice of the charter.

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

## 6. Rejected charters

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

- The charter commission may choose to modify its proposed charter and re-submit the charter for election.
- The charter commission may choose to disband by a three-fourths vote of its members.
- The city voters may disband the charter commission through a petition and referendum process.

When a charter commission disbands itself or is discharged by the city voters, another commission may not 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 charter 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 may propose amendments to the charter at any time.

## RELEVANT LINKS:

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

Minn. Stat. § 410.12, subd. 1.

Minn. Stat. § 204B.071.  
Minnesota Secretary of State  
- Petitions.

Minn. Stat. § 410.12, subds. 1, 4.

*Davies v. City of Minneapolis*, 316 N.W.2d 498 (Minn. 1981). *Haumant v. Griffin*, 699 N.W.2d 774 (Minn. Ct. App. 2005).

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 percent of the total votes cast at the previous state general election in the city. This percentage cannot be changed by the charter itself.

All petitions circulated must be uniform in character. The petition must state the proposed amendment to the 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 will 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 commission has 10 days to return the summary with any modifications necessary to fairly 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 shall provide samples of petition forms for use by election officials. Once received, the commission must submit the petition to popular vote.

### c. Process and procedure

The amendment goes to the city clerk, who notifies the council. The council then provides for the election under the same rules that apply to a new charter. The council may not refuse to submit or change the amendment as long as it is constitutional. A city council does not need to submit an unconstitutional charter amendment or an amendment that violates state or federal law to the voters. When an amendment to a charter is proposed by the charter commission or petitioned for by the voters of the city, the proposed amendment must be submitted at least 17 weeks before the general election.

## 2. Amendment by ordinance

### a. City council

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

## RELEVANT LINKS:

[Minn. Stat. § 410.12, subd. 7.](#)

[Minn. Stat. § 410.12, subd. 7.](#)

[Minn. Stat. § 410.12, subd. 7.](#)

[Minn. Stat. § 410.12, subd. 6.](#)

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

### **b. Charter commission**

The charter commission may recommend the council amend the charter by ordinance. Within one month of receiving a recommendation to amend the 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).

The city must hold the public hearing on the proposed 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 proposed charter amendment ordinance. 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.

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

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

### **c. Cities of the fourth class**

In cities with a population of less than 10,000, the council may propose amendments by ordinance without submitting them to the charter commission. Four-fifths of the councilmembers must vote for the ordinance. Two weeks published notice is necessary before the vote. The council must then submit the ordinance to the voters like any other amendment.

## RELEVANT LINKS:

[Minn. Stat. § 410.10.](#) [Minn. Stat. § 410.12, subd. 4.](#) [Minn. Stat. § 410.121.](#)  
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.](#)

[Minn. Stat. § 410.30.](#)

### 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 charter. An amendment needs the favorable vote of 51 percent of those voting on the question.

### 4. Notice

Amendments, like charters, need the clerk's certification. Copies must be filed in the offices of the secretary of state and county recorder, as well as in the 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 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 charter amendments to its website to keep the online charter up to date.

### D. New or revised charters

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

### E. Abandoning a home rule charter

Any home rule city may 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 may 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 percent of those voting on the question.

The proposal must include a schedule containing necessary provisions for transition to the statutory city form of government in order to place the city on a regular election schedule as soon as practicable. The proposal may 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.

## RELEVANT LINKS:

[Minn. Stat. § 410.16.](#)

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

*Park v. City of Duluth*, 134 Minn. 296, 159 N.W. 627 (1916). *State v. City of Duluth*, 134 Minn. 355, 159 N.W. 792 (1916). *City of Duluth v. Cervený*, 218 Minn. 511, 16 N.W.2d 779 (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).

## 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 given a liberal construction to all-powers grants in city charters. In addition to powers granted by the charter, various state statutes 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 home rule charter may provide any municipal powers the Legislature could have delegated to the city, as long as the powers are consistent with state statutes. A number of city charters have attempted to do this. Under such a grant, the charter may authorize the city to provide for medical clinics, public transit, and industrial parks. It may authorize any of 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 statute addresses for statutory cities, home rule cities may usually apply the general law on the subject. If, however, general law prohibits a charter from addressing the matter or provides that the charter prevails over general law, the home rule city may not apply the general law.

No city, however, even one organized under a city charter, has inherent powers. A city may only exercise such powers that are expressly conferred by statute 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.

## VII. Charter subjects and provisions

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

## 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).

## A. Taxes

Presumably, a charter may grant a home rule city power to tax although the state has largely pre-empted two local non-property taxes: the sales tax and the 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 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

The charter may, but does not need to, require a budget system (however, current truth-in-taxation laws require all cities to prepare a budget).

The charter may regulate the payment of claims and may also limit or broaden the purposes for which the city may spend money beyond the limits set for statutory cities. For example, a charter could allow appropriations to private agencies performing work of a public nature, while statutory cities probably could not. The law limits statutory cities in their issuance of warrants in anticipation of the collection of taxes. A charter may broaden or curtail this authority.

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

## C. Utilities

### 1. Municipal utilities

While statutory cities may establish electric, gas, light, and power utilities only after a vote by the people—regardless of the method of financing—a charter may provide for acquisition without a vote or may require a different majority from the majority necessary in statutory cities. A charter may give the right of condemnation without a time limit. A charter may also allow the city to use surplus utility funds to support general funds.

## RELEVANT LINKS:

Minn. Stat. § 444.075, subd. 3(b).  
LMC information memo,  
*Securing Payments 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).

*HRA v. City of Minneapolis*, 293 Minn. 227, 198 N.W.2d 531 (Minn. 1972). A.G. Op. 858 (Oct. 26, 1970). A.G. Op. 858 (August 5, 1970).

Charters may not attempt to set utility rates for water, sewer, and stormwater utilities. Charter provisions may not artificially inflate or suppress rates. Authority to set rates is vested exclusively in the city council by state statute.

## 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, charters may acquire gas and electric franchises and may 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 may 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 may, but do not need to, require several readings and a lapse of time between readings. Charters may or may not provide for publication, and they may impose other restrictions on the ordinance process.

### 2. Initiative and referendum

In statutory cities, city voters cannot petition the council to 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 home rule charter cities may provide for initiative and referendum through their charter.

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

## RELEVANT LINKS:

But see *City of Cuyahoga Falls v. Buckeye Cmty. Hope Found.*, 538 U.S. 188, 123 S. Ct. 1389 (U.S. 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. § 351.02.  
A.G. Op. 59a-30 (Jul. 24, 1996).

Minn. Stat. § 410.20.  
Minn. Const. art VIII, § 5.  
*Jacobsen v. Nagel*, 255 Minn. 300, 96 N.W. 2d 569 (1959).

*Minneapolis Term Limits Coalition v. Keefe*, 535 N.W.2d 306 (Minn. 1995).

Administrative actions include the settlement of lawsuits, entering of contracts, acceptance or rejection of bids, sale of municipal bonds, appointment of city officials, levying of taxes, granting of licenses and permits, and the adoption of budgets.

## E. Elections

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

## F. Elected officials

### 1. Wards

The charter may use proportional representation and may set up different nomination procedures from those in statutory cities. The charter may provide for ward representation, which is generally not available to statutory cities.

### 2. Removal by the council

State law establishes the specific situations that create vacancies in elective office. A charter may not provide for removal of councilmembers by the council for any reason not explicitly stated in statute.

### 3. Recall

Home rule charter cities have some limited authority to provide for recall elections of the city's elected officials. 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.

### 4. Term limits

A charter may not impose term limits on city elected officials.



## RELEVANT LINKS:

A.G. Op. 624a-3 (June 28, 1999) . A.G. Op. 1001-a (Sept. 15, 1950). *Muehring v. School District No. 31*, 224 Minn. 432, 28 N.W.2d 655 (1947). *Minneapolis Gas and Light Co. v. City of Minneapolis*, 36 Minn. 159, 30 N.W. 450 (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](#).

## G. City personnel

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

## H. Delegation of powers

Absent specific statutory or charter authority, the council of a charter city may not 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 was of the opinion that the statute supersedes all charter provisions concerning uniform dollar limitations. Presumably, the charter may regulate some phases of the contracting procedure, but most charters deal only with subjects not covered by the state law.

## J. Accounting

Under the law, statutory cities may employ a public accountant or the state auditor to perform an audit. By charter, cities may 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 cities, the charter may 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.

## RELEVANT LINKS:

Handbook, [City Licensing](#).  
Handbook, [City Regulatory Functions](#).

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](#).

## K. Licensing and regulation

While statutory cities must find a specific statute authorizing the licensing or regulation of an activity before they can regulate that activity, a charter city can often rely on an all-powers provision in its 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.

## L. Special assessments

Both statutory and home rule cities may finance local improvements by special assessments against benefited property under a uniform constitutional and statutory procedure. While most home rule cities follow state law, a city charter may provide a different procedure or authorize the council to adopt a different procedure and may 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 may acquire real estate that is needed for public purposes, and the 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 may impose such restrictions.

## RELEVANT LINKS:

Handbook, [Liability](#).

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

[Mangold Midwest Co. v. Village of Richfield](#), 274 Minn. 347, 143 N.W.2d 813 (Minn. 1966). [State v. Kuhlman](#), 729 N.W.2d 577 (Minn. 2006).

[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).

## N. Liability

Both statutory and home rule cities are subject to the same tort liability imposed by statutes and court decisions.

Home rule charter cities may not attempt to extend or curtail the city's liability to any extent.

## VIII. Conflicts with state law

Harmonizing general statutory language and charter provisions that deal with the same subject can be difficult.

Cities can resolve potential conflicts between state laws and charter provisions through the following process:

### A. General rule

The general rule is that when a charter provision is in conflict with the state statutes, the statutory provisions prevail, and the charter provision is ineffective to the extent it conflicts with the state policy.

### B. Identifying conflicts

When state law is silent on an issue covered by 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?

## RELEVANT LINKS:

[Minn. Stat. § 410.015.](#)

[Columbia Heights Relief Ass'n v. City of Columbia Heights](#), 305 Minn. 399, 233 N.W.2d 760 (1975). [State v. Kuhlman](#), 729 N.W.2d 577 (Minn. 2006). [State v. Burns](#), No. A05-2554 (Minn. Ct. App. Mar. 20, 2007) (unpublished decision).

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 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, probably apply to all cities.

## 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 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 on 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.

## Plymouth City Charter History

Voters opted to make Plymouth a home rule charter city by adopting a City Charter on Nov. 3, 1992. The City Charter went into effect on Jan. 1, 1993. The Charter continued the Council - Manager form of government and increased the size of the City Council to seven members elected from four wards.

It has been amended as follows:

11/03/92		Home Rule Charter	Adopted by Referendum Yes – 14,811 No – 7,775
11/07/95	<i>Amendment 1</i>	Providing that, when City Charter is silent, State Statutes apply	Adopted by Referendum Yes – 3,470 No – 923
11/07/95	<i>Amendment 2</i>	Defining residency qualifications for Council Ward seats	Adopted by Referendum Yes – 4,499 No – 196
11/07/95	<i>Amendment 3</i>	Providing for filling a vacancy on the Council	Adopted by Referendum Yes – 2,927 No – 1,708
09/24/98	<i>Amendment 4</i>	Amending sections regarding contributions	Adopted by Unanimous Council Vote
11/03/98	<i>Amendment 5</i>	Allowing ordinance requiring supermajority vote for tax rate increases	Adopted by Referendum Yes - 21,235 No - 5,143
03/21/2000	<i>Amendment 6</i>	Amending various sections containing obsolete transitional matters	Adopted by Unanimous Council Vote
11/07/2000	<i>Amendment 7</i>	Extending the Mayor's term of office from two to four years	Adopted by Referendum Yes – 20,134 No – 14,055
11/07/2000	<i>Amendment 8</i>	Providing that special elections not held in conjunction with a general election shall be conducted by mailed ballot if allowed by law	Adopted by Referendum Yes – 23,977 No – 9,976

03/12/2002	<i>Amendment 9</i>	Amending inflationary adjustments	Adopted by Unanimous Council Vote
04/23/2002	<i>Amendment 10</i>	Amending ward boundaries	Adopted by Unanimous Council Vote
09/12/2006	<i>Amendment 11</i>	Charter Commission membership	Adopted by Unanimous Council Vote
03/13/2012	<i>Amendment 12</i>	Amending ward boundaries	Adopted by Unanimous Council Vote
01/13/2015	<i>Amendment 13</i>	Deleting Campaign Contribution reference and adding tabulation of write-ins for City Council	Adopted by Unanimous Council Vote
01/13/2015	<i>Amendment 14</i>	Deleting Section 7.04, Board of Equalization process	Adopted by Unanimous Council Vote
04/26/2016	<i>Amendment 15</i>	Amending Council vacancies	Adopted by Unanimous Council Vote
03/22/2022	<i>Amendment 16</i>	Amending ward boundaries	Adopted by Unanimous Council Vote

**From:** [Jessica Beise](#)  
**To:** [Michelle Friedrich](#)  
**Subject:** FW: Wards System for Elections - Invite to Provide Feedback  
**Date:** Thursday, March 16, 2023 12:35:13 PM  
**Attachments:** [CGR Memo on At-Large, Ward, Mixed Systems.pdf](#)  
[The-Home-Rule-Charter-City.pdf](#)  
[Charter History.doc](#)

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Charter Packet Item

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**From:** Jodi Gallup <jgallup@plymouthmn.gov>  
**Sent:** Tuesday, March 7, 2023 10:19 AM  
**To:** Jessica Beise <jbeise@corcoranmn.gov>  
**Subject:** RE: Wards System for Elections - Invite to Provide Feedback

Hi Jessica,

I received a similar request about a month ago about Plymouth's wards and did a little research. I wasn't here when the city first established wards in 1992/effective 1993, so I don't know much about the process other than the Charter Commission having several meetings. Since the Charter was established in 1992, we've made 16 amendments, which are attached. First lesson learned was to include a statement that when the City Charter is silent, State Statute applies.

Plymouth doesn't have any official publications on our ward council system, other than bits of information on our City Council [webpage](#) and information in the Charter.

- Excerpt from election/redistricting update: Wards are portions of a city represented by a specific elected official on the City Council and must be as equal in total population as possible. **Approximately 70 cities in Minnesota elect council members by ward, including Plymouth.** Composed of a mayor and six council members, the Plymouth City Council includes two members elected at-large, while the other four are elected from the city's four wards.
  - Source for fact: "Approximately 70 cities in MN elect council members by ward": [City Responsibilities Related to Redistricting - League of Minnesota Cities \(lmc.org\)](#)
- Per Plymouth City Charter Section 2.05, the city is divided into four separately numbered wards corresponding generally to four geographic quadrants of the city.
  - One advantage of ward representation in these four quadrants is to help give various communities of interest, especially those with a geographic base, a fairer chance of being represented by their Ward Council member.
  - Communities of interest can include groups of people with shared concerns about anything from housing types (single family, multi-family, affordable), natural resources, business districts, policy concerns, socioeconomic status, demographics, etc.
- CGR Memo on At-large, ward, mixed systems – The attached memo provides a quick look at advantages and disadvantages of each system. (Disclaimer: I found this from a quick google search and don't know much about CGR, but this analysis makes sense).
  - Advantages of wards include council members being more responsive to their specific constituencies and maximizing potential for electing underrepresented groups to council.
  - Advantages of a mixed at-large and ward system combine city-wide focus of at-large members with neighborhood and local concerns represented by the ward council

members.

- The LMC Handbook Chapter 4 The Home Rule Charter City – provides a section on advantages and disadvantages of a home rule charter. The charter may provide for ward representation, which is generally not available to statutory cities.

**Jodi Gallup | City Clerk/Administrative Coordinator**  
City of Plymouth

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**From:** Jessica Beise <[jbeise@corcoranmn.gov](mailto:jbeise@corcoranmn.gov)>

**Sent:** Tuesday, March 7, 2023 8:29 AM

**To:** Jodi Gallup <[jgallup@plymouthmn.gov](mailto:jgallup@plymouthmn.gov)>

**Subject:** Wards System for Elections - Invite to Provide Feedback

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Good Afternoon Jodie,

I hope this finds you well!

Our City Charter Commission is interested in learning about wards. Specifically they are interested in hearing about the conversion process and the pros and cons of wards.

I'm wondering if you and or someone on your would be willing to share your experience with wards? We'd love to learn about your city and how and when you started wards and any lessons learned.

We are looking to meet at 5:30pm on Tuesday March 21st? If you aren't able to attend in person or virtually, it would be great to hear from you even if it's an email on your experience.

Thanks for your time!

All the best,  
Jessica Beise  
City Administrator

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## At-large, Ward, or Mixed Elections for City Councils

### At-Large System

All council members are elected by the entire voting population of the city.

#### *Advantages of At-Large*

- Council members beholden to all residents equally
- Equalizes individual voting power – one person, one vote
- Reduced divisiveness and factions
- Broader base of candidates from which voters can choose
- No battles over how to draw wards/districts

#### *Disadvantages of At-Large*

- Potential lack of representation of minority groups – dilution of minority voters
- Citizens in large cities can feel disconnected from council
- Majority of council members could live in same area. This can be addressed by creating residency requirements that spread out council members, while still maintaining at-large elections.

#### *Who uses At-Large System?*

- Small and medium cities (59% of cities <25,000, 58% of cities between 25,000-199,999)
- Only used by 13% of large cities (>200,000)

### Ward System

One (or more, in large cities) council member is elected from each ward in the city.

#### *Advantages of Wards*

- Council members are more responsive to specific constituencies
- Maximizes potential for electing underrepresented groups to council
- Encourages personal campaigning
- Easier for new candidates to win election
- Lower cost of campaigning

#### *Disadvantages of Wards*

- Incentive to ignore city-wide concerns in favor of ward-specific issues. Potential for log-rolling (vote swapping).
- Ward representatives are more susceptible to interest groups' influence
- Potential for segregation based on ideology, socioeconomic status, race, etc.
- Potential issues surrounding redistricting (redrawing ward boundaries after the census), gerrymandering, etc.
- If minorities are not living in easily contained wards (but are spread throughout), the ward system may not achieve representation for minority groups. (Cracking and packing)

#### *Who uses Ward System?*

- Large cities (49% of cities >200,000)
- Used by about a quarter of small and medium cities

## **Mixed System**

Some council members are elected at-large, and some are elected by their ward. It is generally preferred that the ward members make up a majority of the council.

### ***Advantages of Mixed At-Large and Ward System***

- Combines city-wide focus of at large members with neighborhood and local concern represented by the ward -elected members

### ***Disadvantages of Mixed At-Large and Ward System***

- Can create tension between at large and district members, where at large members see themselves as superior to district council members and as rivals to mayor. To prevent this, at large and district council members should have equal status with respect to offices, services, and length of terms.
- Potential for deadlock or lines drawn between at-large and ward council members
- Redistricting and gerrymandering issues remain.

### ***Who uses Mixed System?***

- Large cities (38% of cities >200,000)
- Only used by about 17% of small and medium cities.

## **Other systems:**

### ***Single Transfer Voting***

- Voters rank candidates according to preference, all candidates meeting or exceeding a set threshold of first-preference votes are winners

### ***Cumulative Voting***

- Each voter has a certain number of votes to distribute among candidates. Voters can be strategic by voting or withholding votes.

## **Summary**

If city is small to medium and fairly homogenous, at-large elections may achieve fair representation. If city is larger or has significant minority groups that may not be represented by at-large elections, the ward system may work well. A mixed system may achieve some of the advantages of each system, but is not without disadvantages. If it appears that at-large, ward, or mixed systems still present problems, other systems could be explored. However, they require a lot of change and re-education for voters so that they understand how the system works.

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## ***Batavia's Current System***

Batavia City currently uses a mixed system, with 3 at-large council members and one council member elected from each of 6 wards. Batavia City currently has 15,465 residents, and the merger will add about 6,809 more, for a total of 22,274 (qualifies as a 'small city'). Key questions for Task Force:

- When was the mixed system established?
- If there was a change at some point, what instigated the change?
- How is it working? Are people generally happy with it?
- Has redistricting (drawing ward boundaries) been a difficult process?

## ***Model City Charter References***

[http://norpvc.info/uploads/National\\_Civic\\_League\\_Model\\_City\\_Charter.pdf](http://norpvc.info/uploads/National_Civic_League_Model_City_Charter.pdf)

(2003 Version of Model City Charter)

## ***At-large and Ward***

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## CITY OF CORCORAN

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## MEMO

Meeting Date: March 28, 2019

To: Charter Commission

From: Jessica Beise, City Clerk/Administrative Services Coordinator

Re: Discussion of Implementing a Ward System

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At the 2018 Charter Commission meeting, the commission discussed learning more information about the ward system. Currently the Mayor and all Councilmembers are elected “at large”. Staff has researched wards and spoken with a neighboring City to understand some of the considerations for creating a ward system.

A ward is not defined by statute, but generally represents an election district within a city for council election. Each ward elects its own councilmember to represent the interests and concerns of that ward. State statute requires the following:

- Population. Each ward must be as equal in population as practicable.
- Territory. Each ward must be composed of compact, contiguous territory.
- Residency of councilmembers. Each councilmember must be a resident of the ward for which elected. However, a change in boundaries may not disqualify a councilmember from serving the remainder of their term.

Considerations for moving toward a ward system:

### Number of Wards

The number of wards would be at the discretion of the Charter Commission and Council.

### At-Large Membership

The Charter Commission and Council should consider if at-large membership would be considered with the creation of wards. In addition to the ward member, at-large

membership would be a representative of the entire committee. The Mayor would serve as an at-large member.

#### Availability of Interested Persons

Another consideration is if the City has an adequate number of persons interested in serving on the City Council. With a ward system it could limit the number of persons who could serve in a given area.

#### Limitations of Precinct Boundary Changes

Beginning January 1, 2020, the City is not able to move precinct boundaries or establish wards until May of 2021. Additionally, the wards would have to be reestablished or adjusted following the legislative redistricting in 2022. These requirements are in place due to the census is being completed and redistricting is taking place.

#### Population Growth

With the growth of eastern Corcoran, the City will have to consider growth in creating wards. As the certain parts of the City grow, the population may inadvertently be larger than other ward due to growth.

#### Administrative Considerations

To create a ward system, the City Clerk will need to work with a mapping specialist to create options for wards that are contiguous and similarly sized. The City Clerk will have to present the options to the City Council and make ordinance and Charter amendments. The City Clerk will have to every ten years reexamine the population and make changes to the ward system. Additional election ballots would likely be created due to five school districts and ward boundaries not likely following the five school district boundaries.

#### Geographical Considerations

As the City's population is growing, the City is developing from east to west. The City will have to consider if the boundaries will include agricultural areas and suburban development. Wards must be similar in population which may make for larger wards geographically if rural areas are in one ward.

#### Political Considerations

The City should consider concerns of individuals voting in favor of what is best for the ward over what is the greater good for the community. A ward system can limit the area in which a candidates needs to

#### Process Considerations

An ordinance establishing a ward system can be approved by the City Council and the Charter Commission after a public hearing is held. This does not require a vote of the public. However, it is subject to a referendum request within 60 days of approval. Other

options to establish wards would be to amend the Charter or place on the ballot at a general or special election.

According to the National League of Cities, at-large representation is more prevalent in smaller cities than ward only or a mixture of ward and at-large membership, see the below graph (Source: <https://www.nlc.org/municipal-elections>).

	Small (25,000- 69,999)	Medium (70,000-199,999)	Large (200,000 And Up)
At-Large	48.9%	43.7%	16.4%
Mixed-System	25.0%	25.4%	38.2%
District (Ward)	26.1%	31.0%	45.5%

With the many considerations, staff recommends that if the Charter Commission wants to move forward with considering wards further, input from the Council be sought. Additionally, until the 2022 redistricting is done the City shouldn't consider creating wards.

Charter Commission action:

Discuss the option of establishing a ward system. If supportive, the Charter Commission should also discuss their preference for timeline and process.

Attachment:

None