

MINUTES OF THE CITY OF COLUMBIA HEIGHTS CHARTER COMMISSION

January 19, 2023 @ 7pm

Public Safety Building

Commissioners in attendance:

- Larry Betzold
- Clifford Johnson
- Ben Harris
- Sue Wiseman
- Greg Sloat
- Steve Smith
- Carolyn Laine
- Kathy Ahlers
- Frost Simula
- Veronica Johnson

Commissioners absent:

- Matt Abel
- Mona Anderson
- Bill Hugo (excused)
- Nick Zeimet

Council Liaison:

- Rachel James

Attorney:

- (absent)

Clerk:

- Sara Ion

President Steve Smith called the meeting to order.

Roll Call / Status of Membership

Commissioner Sloat has been reappointed.

Commissioner Eubank has submitted his resignation.

Election of 2023 Officers

President - Commissioner Wiseman nominated Carolyn Laine. Second by Simula. Motion passed, unanimous.

Vice President - President Laine nominated Veronica Johnson. Second by Wiseman. Motion passed, unanimous.

Secretary - Commissioner Simula self nominated. Second by Ahlers. Motion passed, unanimous.

Approval of Agenda

President Laine asked for approval. Agenda approved.

Approval of Minutes

President Laine proposed to amend October 2022 minutes to replace the last sentence with a clarification.

Commissioner Simula suggested striking the last sentence entirely. Ahlers moved to approve minutes with the last sentence stricken. Seconded by Harris. Motion passed, unanimous.

Correspondence

Clerk Ion presented no correspondence at this time, but did produce an email from City Attorney Hoeft later in the meeting (SEE item A5 under New Business, below).

Old Business

(None)

New Business

A. Approval of City Attorney Review of Questions form Commissioner Laine in Relation to the Process for Recall Election.

1. City Attorney Hoefft was absent from this meeting.
2. President Laine stated that she is a member of a committee that is exploring the possibility of a recall election, and that she had questions about the recall process as it now stands in the charter. As a member of that committee, Laine felt it was appropriate to bring those questions to the City Attorney for the following reasons:
 - a. President Laine read from Charter Chapter 5 Section 36 which states:
"Any committee member, at their sole discretion and at no charge to said committee member, may utilize the services of the city attorney so as to assure that the proposed ordinance is consistent as to form and structure with other similar ordinances enacted by the city council."
 - b. President Laine also read from the July 2013 Charter Commission minutes (SEE attachment), where Commissioner Utz had asked the Charter Commission to add an agenda item to discuss and clarify the Referendum and Initiative process regarding the new library. At that time, City Attorney Hoefft clarified that the library project was not Charter Commission business and instructed Commissioner Utz to email him any questions regarding the charter, giving his preferred email address.
3. As a member of the Recall Committee, Laine said she had emailed City Attorney Hoefft her questions about the Recall process in the charter. Laine said that attorney did not answer her email and instead put the topic on the Charter Commission agenda, contrary to his statements in 2013.
4. Laine said whether the Commission decides to take up the issue for clarity in the charter is a different subject and unrelated to the specific answers she requested as a Recall Committee member about the interpretation of the charter as it now stands.
5. Clerk Ion then produced an email she received from City Attorney Hoefft dated January 18 to be shared with the Commissioners (SEE attachment). Copies of this email had not been included in the meeting packet nor shared with Commissioners at the beginning of the meeting. Briefly, Hoefft's email contained his opinion that the word "electors" used in the Recall section of the charter was synonymous with "registered voters".

Because the questions originated from outside the Charter Commission and Hoefft's answers are not the Charter Commission's business, no action was taken by the Charter Commission.

B. Clarifying the Section on Recall

President Laine suggested that the Charter Commission review the section on Recall (Chapter 5 Section 49) at a future meeting. Commissioner Harris noted that we have access to a law librarian through the public library that would be a valuable resource. Clerk Ion added that the city of Brooklyn Center has done a recall in the past. Commissioner Ahlers agreed to begin researching other city charters regarding their recall language.

C. Approval of the 2022 Charter Commission Annual Report

Commissioner Ahlers noted a minor punctuation error (missing comma) that should be amended.

Smith moved to approve the annual report as amended. Second by Harris. Motion passed, unanimous.

Adjournment

Motion by Smith. Second by Simula. Motion passed.

Submitted by:

Frost Simula, Commission Secretary

**COLUMBIA HEIGHTS CHARTER COMMISSION
JULY 18, 2013
CONFERENCE ROOM 1, CITY HALL
MINUTES**

Call to Order

The meeting was called to order by President Smith at 7:08 p.m.

Roll Call

Members present: Ramona Anderson, Jeff Diehm, Roger Johnson, Carolyn Laine, Mike Patiuk, Gregory Sloat, Steve Smith, Charles Tyler, Tim Utz

Members absent and excused: Matt Abel, Lee Bak, Rob Fiorendino, James Guy, Wes Wiggins

Members absent and unexcused: None

See status of membership below.

Jim Hoeft, City Attorney, and Carole Blowers, Recording Secretary for the commission, were also present. Council Liaison, Tami Diehm, was excused from tonight's meeting.

Introduction of New Member

Ramona Anderson, new member of the Charter Commission, introduced herself and told members a brief history of her connection to our city, etc.

Approval of Tonight's Agenda

Motion by Commissioner Tyler, seconded by Commissioner Diehm to approve tonight's agenda. Motion passed unanimously.

Approval of Charter Commission Minutes of April 18, 2013

Motion by Commissioner Diehm, seconded by Commissioner Utz to approve the minutes of the April 18, 2013, Charter Commission meeting as presented. Motion passed unanimously.

Status of Membership

The Commission currently has one opening. Two applications have been sent to the Chief Judge for his consideration in the past few weeks. New membership lists were passed out to members at the meeting. Commissioner Diehm asked that a list be e-mailed to him as well.

Correspondence

The Recording Secretary reported on the correspondence since our last meeting in January.

- Typed minutes of the April 18, 2013, meeting
- Received orders from Chief Judge appointing Ramona Anderson and Weston Wiggins and advised President Smith of the same
- Prepared welcome letters and packets and oaths for Weston Wiggins and Ramona Anderson
- Contacted Weston Wiggins and Ramona Anderson about coming in to take their oaths; when completed sent them on to Anoka County
- Sent Chief Judge applications for membership from Clifford Shedlov and Catherine Vesley
- Prepared tonight's agenda and sent out with April minutes to all commission members, City Attorney, City Manager, and Tami Diehm
- Put tonight's agenda on the city's website and on local cable TV station, and posted it at City Hall
- Prepared new member list and made copies

- Forwarded e-mail received from Commissioner Utz to President Smith and City Attorney Hoeft regarding a library referendum
- Received e-mails from Commissioners Able, Bak, Fiorendino, Guy, and Wiggins regarding their absence at tonight's meeting
- Prepared correspondence log since April meeting

New Business

Library Referendum Question

Commissioner Utz had asked that this item be on tonight's agenda. City Attorney Jim Hoeft advised that the City Charter puts forth the procedure and process for Referendum and Initiative (Chapter 5, Sections 44-46 and Chapter 7, Section 72), but the Charter Commission would not be discussing or asking that this issue be placed on a referendum. That is not the Charter Commission's charge. Individuals who serve on this commission can be part of the prescribed procedure/process as set forth in the City Charter, but cannot identify themselves in this procedure/process as a Charter Commission member. The City Attorney advised that people should be careful about using titles of any group they belong to when involved in such a procedure/process.

The City Attorney mentioned that the last time this procedure/process was used was when Bobby & Steve's development on 37th and Central was in process several years ago.

Commissioner Utz stated that he asked that this item be placed on tonight's agenda for discussion and further clarification on the Referendum and Initiative procedure/process. The City Attorney stated that if any commissioner has questions on the charter, they should e-mail him. He clarified what e-mail address would be his preferred e-mail address.

Adjournment

Motion by Commissioner Laine, seconded by Commissioner Tyler to adjourn at 7:22 pm.

The next meeting is October 17, 2013, at 7 p.m. at City Hall, Conference Room 1.

Respectfully submitted,

Carole J. Blowers
Recording Secretary for the Charter Commission

Sara Ion

From: James D. Hoeft <jhoeft@bgs.com>
Sent: Wednesday, January 18, 2023 12:36 PM
To: Sara Ion
Subject: Recall Questions

This message originated from outside the City of Columbia Heights email system. Use caution when clicking hyperlinks, downloading pictures or opening attachments. If necessary, contact sender by phone. WHEN IN DOUBT, THROW IT OUT!

Sara,

Please share this email with the commissioners, as I will be on vacation on the 19th.

RECALL

I think it's important to note at the outset that the process of Recall is a rarely available/used process. It is only available to charter cities that have retained the process in the charter. It is not a process available to statutory cities.

The Columbia Heights Charter does authorize the Recall process. A question has been asked about who can initiate the petition, and who can sign. The Charter identifies both those groups as "Electors". Unfortunately the Charter does not define that term. So who are Electors?

One opinion is that the Electors are those individuals who actually took part (voted) in the election in question. Since those individuals who voted are responsible for the election outcome, then they ought to be the ones asking for and signing a petition for Recall. This position may be bolstered by the fact that previous Charter amendments changing the term Elector to Registered Voter did not apply to the Recall process. However, my opinion is that, while defensible, such an interpretation is too strict.

So where do we go from there? When looking to define a term, where better place than the dictionary. Accordingly, the term Elector is generally defined as "a person who has the right to vote in an election." In order to vote in an election an individual must first satisfy the legal requirements (i.e. 18 years old, US citizen, etc.). If satisfied, then must register. If registered, then the individual has the right to vote in an election.

My opinion is that the term Elector in the Recall provision of the Charter is synonymous with Registered Voter. Anyone initiating a Recall petition must be a registered voter. Anyone signing a Recall petition must be a registered voter.

Sent from my iPhone

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