

## ORDINANCE NO. 1723

### BEING AND ORDINANCE AMENDING CHAPTER 2, SECTION 9 AND CHAPTER 5, SECTIONS 41, 44, 47, 50, 52 OF THE CITY OF COLUMBIA HEIGHTS CITY CHARTER TO UPDATE RECALL PROVISIONS

The City of Columbia Heights Does Ordain:

#### CHAPTER 2 – FORM OF GOVERNMENT

**Section 9. VACANCIES IN THE COUNCIL.** A vacancy in the council shall be deemed to exist in case of the failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council, or by reason of the death, resignation, removal from office, cessation as a resident of the city, continuous absence from the city for more than three months, conviction of a felony of any such person whether before or after qualification, the failure of any council member without good cause to perform any of the duties of membership in the council for a period of three months or for any other cause as may be provided for in Minnesota Statutes, as amended. In each such case, at the next regular meeting following receipt of notice by the council of one of the foregoing conditions, the council shall by resolution declare such vacancy to exist unless further investigation is required. Notice of said vacancy shall be posted at city hall for a period of two (2) weeks from the date of the adoption of the resolution declaring said vacancy. Notice shall also be published in a designated city newspaper for a period of two (2) weeks as soon as possible after the date of the adoption of said resolution, with the publication being completed no later than thirty (30) days from said date. Applications shall be sought and accepted from individuals interested in filling the vacancy, which applications shall be submitted to city hall, to the attention of the City Clerk, within 45 days from the date of said resolution. The council shall interview each of the applicants within 30 days from the close of the application period, and shall conduct said interviews in an agreed upon uniform manner as a council. After said 30 day period, the council shall make its appointment from the pool of applicants within 15 days, whether done so at a regular council meeting or a special meeting. The individuals so appointed shall fill said vacancy until the next regular municipal election, when the office shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter set forth; provided, however, that if a vacancy is declared by resolution after March 31st in the year of a regular municipal election, then the appointment process as set forth herein shall not take effect and any such vacancy shall continue to exist until said election, at which time the vacancy shall be filled for the unexpired term by an eligible person elected at large in the manner hereinafter provided. **Notwithstanding anything to the contrary herein, any vacancy resulting from a recall election or from a resignation following the filing of a recall petition shall be filled in the manner provided in such case.**

#### CHAPTER 5 - INITIATIVE, REFERENDUM AND RECALL

**Section 41. ACTION OF COUNCIL ON PETITION.** Whenever the petition shall be found to be sufficient, the city clerk shall so certify to the council at its next meeting, and the council shall at once read the ordinance and refer it to an appropriate committee, which may be a committee of the whole. The committee or council shall thereupon provide for public hearings upon the ordinance, after the holding of which the ordinance shall be finally acted upon by the

council not later than sixty-five days after the date upon which such ordinance was submitted to the council by the city clerk. If the council shall fail to pass the proposed ordinance, or shall pass it on in a form different from that set forth in the petition and unsatisfactory to the petitioners, the proposed ordinance shall be submitted by the council to vote of the electorate at the ~~next election occurring not more than three months after the date of the final action by the council, and if no otherwise scheduled election is to be held within three months from such date, then the council shall call a special election to be held not less than thirty nor more than forty five days from such date~~ soonest date that conforms with state law. In case the council passes the proposed ordinance with amendments and at least four-fifths of the committee of petitioners do not express their dissatisfaction with such amended form by a certificate filed with the city clerk within ten days from the passage thereof by the council, then the ordinance need not be submitted to the electorate.

**Section 44. THE REFERENDUM.** If prior to the date when an ordinance of the council takes effect a petition signed by registered voters of the city equal in number to ten percent of the total vote at the last regular municipal election or 700 signatures, whichever is greater, be filed with the city clerk requesting that any such ordinance, or any part thereof, be repealed or be submitted to a vote of the electorate, the said ordinance shall thereby be prevented from going into operation. The council shall thereupon reconsider the said ordinance at its next regular meeting, and either repeal the same, or repeal the sections thereof to which objection has been raised by the petitioners, or by aye and no vote reaffirm its adherence to the ordinance as passed. In the latter case the council shall immediately order a special municipal election to be held thereon ~~within not less than thirty nor more than forty five days from the action of the council calling it at the soonest date that conforms with state law~~. If a majority of the registered voters voting thereon are opposed to the ordinance, it shall not become effective; but if a majority of the voters voting thereon favor the ordinance, it shall go into effect immediately or on the date therein specified.

**Section 47. THE RECALL.** Right of Recall. The people of the City of Columbia Heights hereby reserve to themselves the right and power to remove from office at any time any or all of the elected officers of the City for malfeasance or nonfeasance in office in accordance with state law. For this purpose, the word 'malfeasance' means the performance of an act in their official capacity that is unlawful or wrongful, and the word 'nonfeasance' means the failure to act where there was a duty to act. The exercise of this power shall be designated as "the recall. Any five electors may form themselves into a committee for the purpose of bringing about the recall of any elected officer of the city. The committee shall certify to the city clerk the name of the officer whose removal is sought, a statement of the grounds for removal in not more than two hundred and fifty words and their intention to bring about the recall. A copy of this certificate shall be attached to each signature paper and no signature paper shall be put into circulation previous to such certification.

**Section 48. RECALL PETITIONS.** The petition for the recall of any official shall consist of a certificate identical with that filed with the city clerk together with all the signature papers and affidavits thereto attached. All the signatures need not be on one signature paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be. Signatures must be from eligible voters who are on active status on the Statewide Voter Registration System at the time of the petition verification. Each signature paper shall be substantially the following form:

**Section 50. RECALL ELECTION.** If the petition or amended petition be found sufficient, the city clerk shall transmit it to the council without delay, and shall also officially notify the person sought to be recalled of the sufficiency of the petition and of the pending action. The council shall at its next meeting, by motion, provide for the holding of a special recall election ~~not less than thirty nor more than forty five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the council may in its discretion provide for the holding of the recall election at that time~~ at the soonest date that conforms with state law.

**Section 52. FORM OF RECALL BALLOT.** Unless the officer whose removal is sought shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?" the name of the officer whose recall is sought being inserted in place of A, ~~and the electors shall be permitted to vote separately "Yes" or "No" upon this question. The ballot shall also contain the names of the candidates to be voted upon to fill the vacancy, in case the recall is successful, under the caption: "Candidates to fill the place of A, if recalled." But the officer whose recall is sought shall not be a candidate upon such ballot.~~ In case a majority of those voting for and against the recall of any official shall vote in favor of recall, such official shall be thereby removed from office, and ~~in that event the candidate who receives the highest number of votes for that office shall be elected thereto for the balance of the unexpired term a vacancy shall be declared and shall be filled as set out in Section 9 of this charter. If the officer sought to be recalled shall have resigned within ten days after the receipt by the council of the completed recall petition, the form of ballot at the election shall be the same as nearly as may be, as the form in use at a regular municipal election.~~

This Ordinance shall be in full force and effect from and after 90 days after its passage.

First Reading: February 9, 2026

Offered by:

Seconded by:

Roll Call:

Second Reading:

Offered by:

Seconded by:

Roll Call:

Date of Passage:

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Amáda Márquez Simula, Mayor

Attest:

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*Sara Ion*, City Clerk/Council Secretary