

Charter Commission meeting November 20, 2024.

Meeting with city manager recap.

Commissioner members Mary Ann Reitmeir and Rita Albrecht met with CM Richard Spiczka to discuss Commission considerations. We shared that the Commission recommends passing all proposed Amendments as originally presented. We went through the list and based on the minutes of the joint meeting, the CM shared what he thinks can pass unanimously.

1. Process for amendments

a. We agreed that the following amendments likely **will have unanimous support**. We agreed to move them forward in early 2025. The process for these will follow the state statute for Charter amendments. (See below.) After the public posting and public hearing, the council will vote on them individually. Those that receive unanimous support will be posted and be incorporated into the Charter.

- i. Section 2.05 Vacancies
- ii. Section 3.03 President pro tem
- iii. Section 3.06 Procedure on Ordinances
- iv. Section 3.10 When Ordinances and Resolutions take effect
- v. Section 5.07 Recall
- vi. Section 6.02 Powers and duties of the city manager Subd.8
- vii. Section 12.12 Damage Suits

b. We agreed that the following amendments likely will **not have unanimous support**. We agreed that these Amendments would follow the statutory process but wouldn't be brought forward until early 2026. If they are not unanimous, they will be placed on the 2026 General Election ballot.

- i. Section 2.09 Investigation of city Affairs. The sticking point seems to be the requirement that a motion for an investigation receive 2/3 vote of support. CM believes that it could pass with that requirement removed.
- ii. Section 3.13 Code of Conduct. A sticking point may be the request that all volunteer boards and commissions adopt a Code of Conduct. Also Mary Ann and I suggest changing this to a "Code of Ethics" or "Statement of Values."
- iii. Section 6.02 Powers and Duties of the City Manager Subd.9. The sticking point seems to be incorporating the ability to contract for an interim manager for a "specific length of time."
- iv. Section 12.17 Charter Violations.

2. Discuss legal representation for the Commission

a. The city manager was asked about reassignment of legal counsel. He agreed that counsel from Flaherty and Hood law firm would be made available as necessary.

Subd. 7. Amendment by ordinance. [Sec. 410.12 MN Statutes](#)

Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council 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 ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition must be signed by registered voters equal in number to at least five percent of the registered voters in the city or 2,000, whichever is less. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of charter amendments submitted by the charter commission, the council, or by petition of the voters, except that the council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance. As far as practicable the requirements of subdivisions 1 to 3 apply to petitions submitted under this section, to an ordinance amending a charter, and to the filing of such ordinance when approved by the voters.

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 2 (FORM OF GOVERNMENT)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 2 entitled "Form of Government", is hereby amended to read as follows:

CHAPTER 2 FORM OF GOVERNMENT

Section 2.05 VACANCIES. An elective office becomes vacant when the person elected or appointed, or the incumbent thereto, dies before taking office or fails to qualify, resigns in writing filed with the city clerk, is convicted of a felony, ceases to reside in the city or ward from which elected, is absent from three consecutive regular council meetings except for excused absences as defined by a five-sevenths vote of the council, or is adjudged incompetent by a court of competent jurisdiction. In each such case the council shall by resolution declare the vacancy to exist.

In the event there are 364 days or less remaining after the Council has declared a vacancy, the City Council must appoint a qualified replacement to complete the term of the vacated seat within 30 days of the declaration of vacancy.

In the event there are 365 days or more remaining after the Council has declared a vacancy, the City Clerk shall call for a special election (Section 4.03) to be ~~held not sooner than 84 days and not later than 145 days~~ in accordance with Minn. Stat. §205.10, as the same may be revised, amended or recodified from time to time.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:
Nays:
Absent:

Public Hearing:
Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 2 (FORM OF GOVERNMENT)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 2 entitled "Form of Government", is hereby amended to read as follows:

CHAPTER 2 FORM OF GOVERNMENT

Section 2.08 INVESTIGATION OF CITY AFFAIRS. The council may make investigations into the affairs of the city and the conduct of any city department, office or agency by hiring an independent third party investigator to conduct said investigation with a two-thirds majority of councilmembers present and voting, and for this purpose may subpoena witnesses, The investigator shall have the power to administer oaths, take testimony, and require the production of evidence. The council shall provide for an audit of the city's accounts at least once a year by the state department in charge of such work or by a certified public accountant. At any time the council may provide for an examination or audit of the accounts of any city officer or agency and it may provide for any survey or research study of any subject of municipal concern.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:
Nays:
Absent:

Public Hearing:
Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 3 (COUNCIL PROCEDURE)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 3 entitled "Council Procedure", is hereby amended to read as follows:

CHAPTER 3 COUNCIL PROCEDURE

Section 3.03 ~~PRESIDENT~~ PRESIDENT MAYOR PRO-TEM. The council shall choose from its members a ~~president~~mayor pro tem who shall hold office at the pleasure of the Council. He/She shall serve as president in the mayor's absence and as mayor in case of the mayor's disability or absence from the city.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:

Nays:

Absent:

Public Hearing:

Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 3 (COUNCIL PROCEDURE)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 3 entitled "Council Procedure", is hereby amended to read as follows:

CHAPTER 3

COUNCIL PROCEDURE

Section 3.06 PROCEDURE ON ORDINANCES.

(a) General Ordinances. Every proposed ordinance, unless otherwise stated in this Chapter, shall be presented in writing with copies given to the mayor and each councilperson. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be, "The City of Bemidji ordains." Every proposed ordinance, other than emergency ordinances, shall have ~~two~~three public readings by title only, with a public hearing taking place on the same date and prior to the first reading. Ten (10) days prior to the first reading and public hearing, a summary of the proposed ordinance and notice of public hearing shall be published in the official newspaper. Following its ~~first~~second reading a summary of the proposed ordinance shall be published in the official newspaper. Any proposed ordinance may be amended at the first ~~or second~~ reading thereof by the same vote as required to pass the ordinance, and at the ~~second~~third reading, before the final vote thereon, by the unanimous vote of the council present. No ordinance except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least ~~three week~~ten (10) days shall elapse between its introduction and final passage. Every ordinance shall remain on file in the office of the clerk from the time it is introduced.

(b) Planning and Zoning Ordinances. So long as the full Bemidji City Council sits as the City of Bemidji Planning Board of Adjustment and Appeal, every proposed ordinance to the City's Planning and Zoning Code shall be presented in writing to the City's Planning Commission and City Planning Board of Adjustment and Appeal. The first reading shall take place at the Planning Commission, which shall also hold a public hearing on that same date. The Planning Commission shall then make a recommendation as to whether the proposed ordinance meets the required factors for amendment as required by law. The second public reading shall take place at the Planning Board of Adjustment and Appeal, before the final vote thereof by the Planning Board of Adjustment and Appeal. No ordinance, except an emergency ordinance shall be adopted at the meeting at which it is introduced and at least ten (10) days shall elapse between its introduction and final passage. All other conditions as required under (a) of this

Chapter, which do not contradict this section, shall apply.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:

Nays:

Absent:

Public Hearing:

Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 3 (COUNCIL PROCEDURE)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 3 entitled "Council Procedure", is hereby amended to read as follows:

CHAPTER 3 COUNCIL PROCEDURE

Section 3.10 WHEN ORDINANCES AND RESOLUTIONS TAKE EFFECT.
Every resolution and **emergency** ordinance shall take effect immediately upon its passage or at such later date as it specifies. ~~Every other ordinance shall take effect 30 days after publication or at such later date as it specifies.~~ Every ordinance and resolution adopted by the voters of the city shall take effect immediately upon its adoption or at such later date as it specifies.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:

Nays:

Absent:

Public Hearing:

Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 3 (COUNCIL PROCEDURE)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 3 entitled "Council Procedure", is hereby amended to read as follows:

CHAPTER 3 COUNCIL PROCEDURE

SECTION 3.13 CODE OF CONDUCT. The Council shall adopt a code of conduct which may be amended from time to time.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:

Nays:

Absent:

Public Hearing:

Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 5 (INITIATIVE AND REFERENDUM)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 5 entitled "Initiative and Referendum", is hereby amended to read as follows:

CHAPTER 5

INITIATIVE AND REFERENDUM

Section 5.07 RECALL. Any elective officer, whether elected by popular vote or appointed to fill a vacancy, may be removed at any time for malfeasance or nonfeasance in office, by the electors qualified to vote for a successor of such officer. The procedure to effect a recall of such elective municipal officer shall be as follows:

Any five (5) registered voters qualified to vote for a successor of the officer sought to be removed may form themselves into a committee for the purpose of bringing about the recall of such elected officer of the City. Such proposal shall be in the form of a certified statement stating the name of the officer whose removal is sought, the grounds for recall in not more than two hundred fifty (250) words, and the committee's intention to bring about the officer's removal. Such committee shall prepare their proposal in all regards and shall conduct the signature gathering and file the completed petition according to Section 5.02; however, the number of necessary signatures shall be equal in number to twenty (20) percent of those who voted for that office in the last election.

Completed recall petition papers shall be filed in the Office of the City Clerk within thirty (30) days of the filing of the initial recall proposal. Within thirty (30) days of filing of the petition, the City Clerk shall determine a) the number of registered voters whose signatures are on the petition, and b) the percentage of the total number of registered voters (at the time of the state or city general election immediately prior to the filing of the petition) which such number constitutes, and c) whether the petition is irregular in any manner.

If the City Clerk finds the numbers of signatures insufficient or finds the petition irregular in any other manner, the Clerk shall at once notify one or more of the committee members of the fact, certifying the reasons for the findings. The committee shall then be given ten (10) working days in which to file additional signature papers or to correct the petition in all other particulars. The City Clerk shall then be given ten (10) additional working days to examine the corrected petition.

If at the end of that period the petition is found still to be insufficient or irregular, the Clerk shall notify each member of the committee of that fact. The final finding of the insufficiency or irregularity of a petition shall not prejudice the filing of a new petition for the same purpose.

If the petition is found to be sufficient, the Clerk shall transmit the same to the Council without delay, and shall also officially notify the elected officer sought to be recalled of the sufficiency of the petition and of the pending action. The Council shall at its next regular meeting, on motion, order and fix a date for the holding of a special recall election. Said special recall election shall be in accordance

~~with the provisions of Section 4.03 of this Charter, not less than thirty (30) nor more than forty-five (45) days thereafter, provided that if any other municipal election is to occur within sixty (60) days after such meeting, the Council may in its discretion provide for the holding of the recall election at that time.~~

The Council shall make or cause to be made publication of notice, and all arrangements for holding such election, provided, that in the published notice of and for the election there shall be given the statement of the grounds for the recall, and also in not more than two hundred fifty (250) words the answer of the officer concerned in justification of his or her course in office.

The recall election shall be city-wide if the officer is the mayor or councilmember-at-large, and shall be limited to a particular ward if the officer is a ward councilmember. The officer shall be considered removed and the office vacant, if a majority of the votes cast on the question be in favor of the recall of said officer, said officer shall be removed and the Council shall thereupon declare a vacancy to exist. Said vacancy shall be filled in accordance with the provisions of Section 2.05 of this Charter

Unless the officer whose removal is sought shall have resigned within ten (10) days after the receipt by the Council of the completed recall petition, the form of the ballot question at such election shall be as near as may be: "Shall _____ be recalled from the office of _____ ? The name of the officer whose recall is sought being inserted in the first blank, and the voters shall be permitted to vote separately "yes" or "no" upon this question.

No person who has been removed from office by recall, or has resigned from office after the filing of a recall petition, shall be appointed to any office under this Charter within one (1) year after such recall or resignation.

No removal petition shall be filed against any officer until the officer has actually held office for at least six (6) months.

Insofar as practical, all laws and provisions for holding regular or special elections in the City shall apply to such removal election and the preliminaries thereto, and wherein applicable or impractical the Council shall, by Ordinance, provide such other and further regulation consistent herewith as may be necessary to carry out the provisions of this Section.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:
Nays:
Absent:

Public Hearing:
Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 6 (ADMINISTRATION OF CITY AFFAIRS)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 6 entitled "Administration of City Affairs", is hereby amended to read as follows:

CHAPTER 6

ADMINISTRATION OF CITY AFFAIRS

Section 6.02 POWERS AND DUTIES OF THE CITY MANAGER. The manager shall be responsible to the council for the administration of the city's affairs. He/She shall have the powers and duties set forth in the following subdivisions:

Subd. 1. The manager shall see that this Charter and the laws, ordinances, and resolutions of the city are enforced.

Subd. 2. The manager shall appoint and may suspend and remove, upon the basis of merit and fitness and subject to applicable personnel rules, the city clerk, all heads of departments, and all subordinate officers and employees except for personnel who are governed by appropriate civil service commissions and/or other relevant boards as provided by statute.

Subd. 3. The manager shall direct and supervise all departments, officers, and agencies of the city, except as otherwise provided by law or Charter.

Subd. 4. The manager shall attend all meetings of the council and may take part in discussion but not vote; but the council may, in its discretion, exclude the manager from any meeting at which the manager's removal is considered.

Subd. 5. The manager shall recommend to the council for adoption such measures, as he/she deems necessary for the welfare of the people and for the efficient administration of the city's affairs.

Subd. 6. The manager shall keep the council fully advised on the financial condition and needs of the city, and shall prepare and submit to the council the annual budget and capital program.

Subd. 7. The manager shall submit to the council and make available to the public a complete report on the finances and administrative activities of the city at the end of each fiscal year.

Subd. 8. With the approval of the council, the manager may designate a properly qualified person or persons to perform the duties of the manager during his/her absence or disability or while the office is vacant.

Subd. 9. If the manager cannot or will not designate a properly qualified person or persons to perform the duties of the manager during his/her absence or disability or while the office vacant, the council may designate a properly qualified person or persons to perform said duties of the manager during

his/her absence or disability or while the office is vacant.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:

Nays:

Absent:

Public Hearing:

Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 12 (GENERAL PROVISIONS)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 12 entitled “General Provisions”, is hereby amended to read as follows:

CHAPTER 12

GENERAL PROVISIONS

Section 12.12 DAMAGE SUITS. ~~Said city shall be absolutely exempt from liability to any person for damages for injuries suffered or sustained by reason of defective streets or sidewalks within said city unless actual notice in writing of such defects in said streets or sidewalks shall have been filed with the city clerk at least ten days before the occurrence of such injury or damage. In the absence of such notice the city shall not be liable for any injury or damage on account of such defects, and in all cases such notice shall describe with particularity the place and nature of the defects of which complaint is made. Any tort liability action against the city, its officials or employees shall comply with Minn. Stat. §466.01-466.15, as may be amended from time to time.~~

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:
Nays:
Absent:

Public Hearing:
Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor

CITY OF BEMIDJI

ORDINANCE NO. , 3RD SERIES

AN ORDINANCE AMENDING THE CITY OF BEMIDJI COUNCIL-MANAGER CHARTER AMENDING CHAPTER 12 (GENERAL PROVISIONS)

THE CITY OF BEMIDJI DOES ORDAIN:

SECTION 1. The City of Bemidji Council-Manager Charter, Chapter 12 entitled "General Provisions", is hereby amended to read as follows:

CHAPTER 12

GENERAL PROVISIONS

Section 12.17 CHARTER VIOLATIONS. A violation of this Charter by a councilmember or employee of the City of Bemidji may be charged with Misconduct of a Public Official, under Minn. Stat. §609.43.

SECTION 2. This ordinance shall become effective ninety (90) days after its passage and publication according to law.

Yeas:
Nays:
Absent:

Public Hearing:
Adoption:

Attest:

Approved:

Michelle R. Miller, City Clerk

Jorge S. Prince, Mayor