

**CITY OF BEMIDJI**  
**CHARTER COMMISSION**  
**ANNUAL REPORT – DECEMBER 31, 2011**  
*IN ACCORDANCE WITH MINNESOTA STATUTES 410.05, Subd. 2*

June 21, 2011 Meeting

Commission held the required annual meeting. Business included: election of officers and discussed recall language.

August 16, 2011 Meeting

Commissioner recommended the addition of Section 5.07 (Recall) to the Charter as follows:

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 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.

The City Council held the final reading of the proposed ordinance on November 7, 2011 which did not pass.

#### October 25, 2011 Meeting

The Commission unanimously approved the recall language be included on the 2012 General Election ballot.

Respectfully submitted,

  
Jaclyn Ryder, Chair