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**TO:** Charter Commission  
**FROM:** Corrine Heine, City Attorney  
**DATE:** July 12, 2023  
**SUBJECT:** Second Addendum to July 12, 2023 charter commission agenda packet

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The addendum to the July 12, 2020 charter commission packet contains the information identified below.

- Item 4 –Petition to amend city charter
  - Supplemental memo from city attorney with attachment



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Attached to this memo is a copy of the charter language that has been proposed by the petition that the city clerk received on July 7, 2023. I have reviewed the language and determined that it is nearly identical to the charter as it existed prior to the 2020 amendment, approved by the voters, relating to ranked choice voting. The only difference is legally insignificant: In the proposed Section 5, subdivision a., the previous charter said “Except as provided in subdivision 5(b) below, ...”, while the proposed language says “Except as provided in (b) below, ...”.

# **AN ORDINANCE AMENDING SECTIONS 2.06 AND 4.02 OF THE MINNETONKA CITY CHARTER, REGARDING ELECTONS; REQUIRING USE OF PRIMARY ELECTIONS**

The City of Minnetonka Ordains:

Section 1. Preamble. The city council adopts this ordinance pursuant to Minnesota Statutes, Section 410.12, subdivision 5.

Section 2. Section 2.06, subdivision 5 of the Minnetonka city charter, relating to special elections to fill vacancies in the city council, is amended to read as follows:

## **Subd. 5. Special Election Requirements.**

a. Except as provided in (b) below, special elections must be held at the earliest date possible under state law. The following provisions apply:

- (1) candidates must file for office no later than four weeks before the election;
- (2) no primary will be held; and
- (3) the candidate receiving the highest number of votes is elected.

b. If a special election occurs in the same year as a regular municipal election, the council may at its option schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest possible date under state law. If adequate time exists to conduct a primary in compliance with state law for the special election, the provisions of subdivision 5.a above will not apply, and the special election will be conducted in the same manner as regular municipal elections.

Section 3. Section 4.02 of the Minnetonka city charter is amended to read as follows:

## **Sect 4.02 Primary Elections.**

If one or two candidates file for a particular office, they are declared the nominees and no primary will be held. If three or more candidates file for a particular office, a primary election must be held to determine the nominees for that office. The primary for that office must be held according to the schedule for a primary before a state general election, except that it will be in the year of the city general election. In a primary, the two candidates receiving the most votes for each office are the sole nominees for that office at the regular city election.