

To: Charter Commission

From: Nate Burkett, City Manager

Cc: Pam Whitmore, City Attorney

Date: May 5, 2023

Subject: Consider New Charter Amendments

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The City Attorney has recommend the Charter Commission consider two potential amendments to the Charter.

#### **Section 4.08**

This change is recommended because statutes have been amended and require that charter cities conform to election laws. It is unlikely that the City would have any interest in establishing an election outside of any regularly scheduled primary or general election. This change aligns the Charter with statutes and will cause no harm to the City operation or ability to pose ballot questions.

Current language:

*Special Elections. The Council may by resolution adopted by majority vote of the members elect, order a Special Election by the electors of the City, and provide for holding the same. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections. The purpose of such Special Election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.*

Proposed amendment:

*Special Elections. The Council may by resolution adopted by majority vote of the members elect, order a Special Election by the electors of the City, and provide for holding the same. State law will govern all city elections, except as otherwise provided in this charter or city ordinance. The procedure at such election shall conform as nearly as possible to that prescribed for other municipal elections. The purpose of such Special Election shall be clearly stated in such resolution, and no other matter shall be submitted thereat.*

#### **Section 12.05**

This change is recommended to make it easier for the Council to effectuate the sale of property.

Current Language:

*Sales of Real Property. No real property of the City shall be disposed of except by ordinance. The proceeds of any sales of such property shall be used as far as possible to*

*retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of other property used for the same public purpose.*

Proposed Amendment:

*Sales of Real Property. No real property of the City shall be disposed of except by ~~ordinance~~ resolution of the Council. The proceeds of any sales of such property shall be used as far as possible to retire any outstanding indebtedness incurred by the City in the purchase, construction, or improvement of other property used for the same public purpose.*