

**PROPOSED AMENDMENTS TO THE
CITY CHARTER OF THE CITY
OF BRAINERD**

That Chapter 2 of the Charter of the City of Brainerd be amended by adding thereto the following sections:

SECTION 20 A. Any elective municipal officer, whether elected by popular vote or appointed to fill a vacancy, may be removed at any time by the electors qualified to vote for a successor of such officer. The procedure to effect a removal of such elective municipal officer shall be as follows:

SECTION 20 B. A petition signed by electors entitled to vote for a successor of the officer sought to be removed equal in number to at least twenty-five per centum of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding regular municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the council and presented to the City Clerk, provided, that said petition shall contain a general statement of the ground for which the removal is sought.

SECTION 20 C. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers to each such paper shall make oath before an officer competent to administer oaths, that the statements therein made are true, and that each signature to the paper appended is the genuine signature of the person whose name purports to be thereunto subscribed. Within ten days from the date of said presentation of such petition the city clerk shall examine and from the poll lists of the last regular municipal election ascertain whether or not said petition is signed by the requisite number of qualified electors, and if necessary, the council shall allow him extra help for that purpose, and he shall attach to said petition his certificate showing the result of said examination. If, by the clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date of said certificate. The clerk shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person presenting the same without prejudice, however, to the presentation and filing of a new petition to the same effect.

SECTION 20 D. If the petition shall be found to be sufficient, the clerk shall transmit the same to the council without delay. If the petition shall be found to be sufficient the city council shall order, and fix a date for holding the said election, not less than thirty days nor more than forty days from the date of the clerk's certificate to the council that a sufficient petition is filed. The city council shall make or cause to be made publication of notice, and all arrangements for holding such election, provided, that in the published call for the election there shall be printed in not more than 200 words the reason for demanding the recall of the officer as set forth in the recall petition, and in not more than 200 words the officer may justify his course in office; and said election shall be conducted, returned, and the result thereof declared, in all respects, as are other city elections.

SECTION 20 E. The officer sought to be removed shall be deemed a candidate, and, unless he resigns his name shall be printed on the ballot without nomination. The nomination of other candidates shall be the same as the nomination of candidates for any regular city election for the office of which the incumbent is sought to be removed. The officer sought to be removed shall continue in office until the canvass of the returns of such recall election by the council, and if he fail at such election to receive the highest number of votes, he shall be deemed removed from office and the candidate at such election receiving the highest number of votes shall be deemed his successor in office for the unexpired term thereof. Such successful candidate except the recalled officer, shall qualify within ten days thereafter or the said office shall be deemed vacant. Said recalled officer shall yield said office on demand to his successor.

SECTION 20 F. 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 year after such removal or resignation.

SECTION 20 G. In so far as practical, all laws and provisions for holding regular or special elections in the city shall apply to such recall 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 Sections 20 A, 20 B, 20 C, 20 D, 20 E, and 20 F.

SECTION 20 H. Every amendment hereinbefore proposed shall take effect and be in force from and after the date of its adoption.

That SECTION 5 of the Charter of the City of Brainerd be amended so as to read as follows:

SECTION 5. The elective officers of the city shall be a mayor, two aldermen from each ward, city treasurer, city assessor, city attorney, judge of municipal court and special judge of the municipal court.

The mayor, aldermen, assessor and treasurer shall be electors of the city, and the aldermen elected to represent the several wards shall each be a resident of the ward he is elected to represent. The judge and special judge of the municipal court and the city attorney shall be resident electors of the city and men learned in the law.

That Section 8 of the Charter of the City of Brainerd be amended by striking therefrom the words "city attorney."

That Section 9 of the Charter of the City of Brainerd be amended by striking therefrom the words "city attorney."

That the Charter of the City of Brainerd be amended by adding

thereto Section 9 A. to read as follows:

SECTION 9 A. The proposed amendments to Sections 5, 8 and 9 of the Charter of the City of Brainerd shall take effect and be in force on the first Tuesday after the first Monday in May next following the regular city election held after the adoption of this amendment and the amendments herein named, but nominations shall be received prior to the next regular city election for the office of city attorney within the time and in the manner provided by law for other elective offices of the city and at said election said office of city attorney shall be voted upon the same as the other elective offices of said city and the person elected shall take office at the same time following said election as the other elective officers.

The foregoing is a draft of certain proposed amendments to the Charter of the City of Brainerd, in Crow Wing County, Minnesota, duly formulated and adopted by the duly appointed, qualified, existing and acting Charter Commission of the City, under the appropriate provisions of the constitution and of the statute in such case made and provided, which said draft of proposed amendments is hereby delivered to the Honorable R. A. Beise, mayor of the City of Brainerd, to be submitted to the City Council of the City of Brainerd for further proceedings according to law.

Signed by the following members of the said Charter Commission comprising a majority thereof.

Dated at Brainerd, Minnesota, this 14th day of February, A. D., 1919.

A. J. HALSTEAD
President
GEORGE D. LEBAR
G. P. O'BRIEN
H. E. SCOTT
J. H. STRICKLER
ANDREW ANDERSON
H. W. LINNEMANN
F. M. KOOP
F. M. HAGBERG
A. A. WEIDEMANN
LOUIS F. HOHMAN
Secretary

The foregoing draft of certain proposed amendments was delivered to me by the Secretary of the Charter Commission this 15th day of February, A. D. 1919.


R. A. BEISE
Mayor

Notice is hereby given that at the regular city election to be held in the City of Brainerd, on Tuesday, the first day of April, A. D., 1919, the adoption of the foregoing proposed amendments to the Charter of the City of Brainerd will be voted upon. By direction of the City Council. Dated February 18, A. D., 1919.
A. MAHLUM, City Clerk

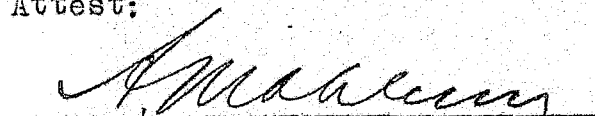
1988

I, R. A. Beise, Mayor and Chief Magistrate of the City of Brainerd, Crow Wing County, Minnesota, do hereby certify that the foregoing is the proposed amendments to the Charter of said City of Brainerd which were proposed by the duly qualified and acting Charter Commission of said City on February 14, 1919, received by me from said Commission on February 15, 1919, and published for over thirty days in three legal newspapers of general circulation in said City; and I do further certify that said proposed amendments were accepted, ratified and adopted by over three-fifths of the qualified voters of said City lawfully voting at a regular election duly ordered, called and held for the purpose of voting on the adoption of said amendments to said Charter on the first day of April, 1919.

Dated at Brainerd, Minnesota, this 12 day of April, 1919.


Mayor and Chief Magistrate.

Attest:


City Clerk.

(City of)
(Brainerd, Minnesota,)
(Corporate Seal.)

1988