

EXHIBIT C



CITY COUNCIL MEETING STAFF REPORT

To: City Council
 From: Teri Swanson, City Clerk and Kay Kuhlmann, City Council Administrator
 Agenda Item No.: 10.C. Consider Action Related to Recall Petitions, Received for Council Members Brown and Buss
 Meeting Date: June 14, 2021

Recommended Action– City Council is asked to take action related to Council Members Brown and Buss recall petitions. Each of these petitions met the 20% of registered voters' requirement. The two alternatives are to:

1. Pass a motion to decline calling a special recall election for Council Members Brown and Buss, or
2. Adopt Resolution No. 7655 calling for a special recall election. The attached resolution calls for a special recall election concerning Council Members Brown and Buss.

Attachments

1. Pages 16-18 of the City Charter - Recall
2. Resolution No. 7655

Background – Chapter 6, Sections 6.12 – 6.17 address the citizens' right for recall of elected leaders. The recent effort seeks the recall of all seven City Council members.

Seven Certification of Recall Committees were submitted and confirmed by the City Clerk to be registered voters representing the appropriate ward(s) on April 9, 2021. On May 10, petitions from all seven recall efforts were returned to City Hall for counting. The City Clerk completed the verification count on Sunday, May 16, 2021, returning petitions that had irregular signatures. Section 6.14 of the Red Wing City Charter provides for the recall committee to be given 10 days in which to file additional signature papers and to correct the petition in all other respects. On May 24, 2021, the City of Red Wing received recall petitions, that did meet the Red Wing City Charter Section 6.14 Filing of Petition requirements related to the recall of Council Member Evan Brown from the office of City Council Wards 3 & 4; and Council Member Erin Buss from the office of City Council Ward 4; and

Of the seven recall initiatives, five recall efforts reached 20% of the registered voters for the appropriate ward(s). On May 24, 2021, City Council approved a motion by a 6:1 vote to decline calling a special recall election for Council President Norton (Ward 3), Council Member Klitzke (Ward 2) and Council Member Stinson (Wards 1,2,3,4).

The Charter states, "Any five registered voters may form themselves into a committee for the purpose of bringing about the recall of any election Council Member or Mayor of the City for malfeasance or nonfeasance in office." This statement in the City Charter makes it clear that a Council Member may only be recalled for malfeasance or nonfeasance in office. Additionally, the Minnesota Supreme Court has held that an elected official of a charter city can only be removed

