



CITY OF SOUTH ST. PAUL MEETING AGENDA

CHARTER COMMISSION

Training Room
125 3rd Avenue North
South St. Paul, MN 55075

Tuesday, August 25, 2026

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. APPROVAL OF MEETING MINUTES**
- 4. NEW BUSINESS**
 - A. Charter Amendment - Recall Election
- 5. ADJOURNMENT**



CHARTER COMMISSION AGENDA REPORT

DATE:

August 25, 2026

DEPARTMENT:

City Attorney

PREPARED BY:

Kori Land, Deanna Werner

AGENDA ITEM NUMBER:

4.A.

MEETING TYPE

Charter Commission

AGENDA ITEM

Charter Amendment - Recall Election

ACTION TO BE CONSIDERED OR DESIRED OUTCOME

Review and discuss Recall Election Charter process in City Charter Sections 3.08 and 3.11

OVERVIEW

In 2025, a process to begin a Recall Election of a council member was initiated pursuant to City Charter Sections 3.08-3.13. As the City Clerk and I went through each step, we noticed a couple of issues with the existing process that should be reviewed by the Charter Commission for clarity and correction.

Date of the Special Election – Section 3.11

Even though it did not occur in the 2025 recall petition action, when a Petition is filed and accepted, we realized that Charter Section 3.11 requires that the special election must be held between 30-45 days after the filing of the Petition, which is not consistent with current law.

State law dictates the dates that special elections can be held, so we recommend replacing problematic language with a requirement that we follow state law: A special recall election must be held on one of the uniform election dates per Minnesota Statutes, Section 205.10 Subd. 3a. We have attached the statute for your convenience.

Grounds for Recall – Section 3.08

In order to initiate the recall of an elected official, pursuant to Section 3.08, a Committee of 15 electors submits a Certification to the City Clerk, which must contain 3 things:

- name of the elected official to be removed;
- a statement of grounds for removal, which specifies the malfeasance or nonfeasance committed in the performance of the elected officer's duties; and
- the committee's intent to require a recall of the elected official.

The City Clerk is tasked with “review and acceptance” of the Certification submitted before the Committee can initiate the next stage of circulating the Petition. As we followed each step in the Recall Election process and the City Clerk’s role in it, there was one critical question at the beginning that we were unsure how to address. In Section 3.08, when the Certification was submitted, the City Clerk did not feel comfortable deciding if the Grounds for Recall met the requirements of the Charter. The Grounds for Recall that were presented in this recall petition action did not specifically state that the council member’s actions were malfeasance or nonfeasance in the performance of the council member’s duties. We have attached the Grounds for Recall so that you can see the plain language.

Instead of making any determination on the sufficiency of the Grounds for Recall, the City Clerk and I decided she could accept the form of the Certification because it contained 15 signatures by electors and it included the 3 elements required by City Charter Section 3.08. It was a ministerial acceptance, meaning there was no discretion or judgment involved in the acceptance. We knew that at some point, someone was going to need to decide if the Grounds for Recall were met per the Charter, but we did not think that the City Clerk should have the authority to make a judgment call on this important element. Unfortunately, the Charter is not clear on who makes that decision.

Section 3.08. - Recall.

Any fifteen electors may form themselves into a committee for the purpose of sponsoring the recall of any elected officer of the City by Recall Petition ("Petition"). Attached to, or at the head of each page of the Recall Petition Certification ("Certification") the committee shall certify to the city clerk: (a) the name of the officer whose removal is sought, (b) a statement, not more than two hundred fifty words in length, of the grounds for removal; which shall specify the malfeasance, or nonfeasance in the performance of the elected officer's duties, and (c) the Committee's intention to bring about the recall. (The information contained in provisions (a), (b), and (c) herein shall collectively be referred to as the "Grounds for Recall"). The Certification shall be filed in the office of the city clerk for review and acceptance prior to the circulation of the Petition for signature. If the city clerk accepts the Certification, then the Grounds for Recall shall be attached to, or stated at the head of each page of any Petition circulated for signature. The city clerk shall not accept the Certification, less than 180 days prior to a general municipal election.

In order to allow the Committee to move forward and circulate its Petition, we decided to decide later on the question of who would determine if the Grounds for Recall were sufficient. The Committee was anxious to get started and we didn’t have clear language in the Charter to provide direction.

In this case, the Petition was never filed with the City Clerk, so we never reached the critical question about who determines if the Grounds for Recall were met. As you can see in Section 3.10, once a Petition is filed, the City Clerk reviews the Petition and looks for irregularities in form or in the required number of signatures by electors, both of which are ministerial tasks and do not require discretion or judgment.

Section 3.10. - Filing of Petition.

Within thirty days after the original Certification is approved by the city clerk, the committee shall file the completed Petition in the office of the city clerk. The city clerk shall examine the same within the next five days, and if the city clerk finds it irregular in any way, or finds the number of signers are less than twenty-five percent of the total number of electors who cast their votes at the last preceding regular municipal election, the city clerk shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional Petition signature papers and to correct the Petition in all other respects, but the committee may not change the statement of the Grounds for Recall. If, at the end of that time the city clerk finds the Petition still insufficient or irregular the city clerk shall notify all of the members of the committee to the effect and shall not transmit the Petition to the city council. No further action on the Petition shall be taken.

After the required number of signatures are confirmed and there are no irregularities a Petition is filed, we are back in Section 3.11, which states “If the Petition... is found sufficient, the city clerk shall transmit it to the city council...” And then we are setting a date for the special election.

The question remains about who decides the sufficiency of the Grounds for Recall and when that decision is made. It feels unfair to wait until after the Petition is filed to tell the Committee that their Grounds for Recall is rejected and their actions are moot. It would be more fair to make that determination when the Committee submits its Certification, in Section 3.08.

We have re-written City Charter Section 3.08, outlining the contents of the Recall Petition Certification, what the City Clerk will administratively review and confirm and then asking the City Council to confirm the Grounds for Recall meet the requirements in the ordinance, which is malfeasance or nonfeasance in the performance of their duties as an elected official. If all boxes are checked, then the committee can proceed with circulating the Petition.

We ask that the Charter Commission review the proposed amendments and offer input. If in agreement with one or both of the proposed ordinances, you can make a recommendation to the Council for consideration. If you would like significant changes, we can set another meeting to discuss and review the changes. At a minimum, we ask that you make a recommendation on moving forward with the amendment to City Charter Section 3.11 regarding the special election dates.

All Charter Amendments require unanimous approval by the City Council. Charter Amendments require 2 readings of the Council and take effect 90 days after they are published in the newspaper.

SOURCE OF FUNDS

N/A

ATTACHMENTS

1. Charter Sections 3.08-3.13 - Current Language

2. Special election statute
3. Charter amendment amending 3.11 regarding Recall Elections
4. Committee Certification for Recall Petition
5. Charter amendment amending 3.08 regarding Recall v2

Section 3.08. Recall.

Any fifteen electors may form themselves into a committee for the purpose of sponsoring the recall of any elected officer of the City by Recall Petition ("Petition"). Attached to, or at the head of each page of the Recall Petition Certification ("Certification") the committee shall certify to the city clerk: (a) the name of the officer whose removal is sought, (b) a statement, not more than two hundred fifty words in length, of the grounds for removal; which shall specify the malfeasance, or nonfeasance in the performance of the elected officer's duties, and (c) the Committee's intention to bring about the recall. (The information contained in provisions (a), (b), and (c) herein shall collectively be referred to as the "Grounds for Recall"). The Certification shall be filed in the office of the city clerk for review and acceptance prior to the circulation of the Petition for signature. If the city clerk accepts the Certification, then the Grounds for Recall shall be attached to, or stated at the head of each page of any Petition circulated for signature. The city clerk shall not accept the Certification, less than 180 days prior to a general municipal election.

RECALL PETITION CERTIFICATION

Proposing the recall of _____ from the office of _____, which recall is sought for the reasons set forth in the attached Grounds for Recall. This movement is sponsored by the following committee of electors:

	Name (print)	Signature	Address
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Section 3.09. Recall Petitions.

The Petition for the recall of an elected officer shall consist of a copy of the Certification, identical with that approved by the city clerk together with all the Petition signature papers and affidavits thereto attached. All the signatures need not be on one Petition signature paper, but the circulator of every such paper shall make an affidavit that each Petition signature paper appended to the Petition is the genuine signature of the person whose name it purports to be. Each Petition signature paper shall be in substantially the following form:

RECALL PETITION

The undersigned electors, understanding the nature of the charges against the elected officer herein sought to be recalled, desire the holding of an election for the purpose of the recall of _____.

	NAME (print)	SIGNATURE	ADDRESS
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

At the end of the list of signatures shall be appended the affidavit of the circulator, mentioned above.

Section 3.10. Filing of Petition.

Within thirty days after the original Certification is approved by the city clerk, the committee shall file the completed Petition in the office of the city clerk. The city clerk shall examine the same within the next five days, and if the city clerk finds it irregular in any way, or finds the number of signers are less than twenty-five percent of the total number of electors who cast their votes at the last preceding regular municipal election, the city clerk shall so notify one or more members of the committee. The committee shall then be given ten days in which to file additional Petition signature papers and to correct the Petition in all other respects, but the committee may not change the statement of the Grounds for Recall. If, at the end of that time the city clerk finds the Petition still insufficient or irregular the city clerk shall notify all of the members of the committee to the effect and shall not transmit the Petition to the city council. No further action on the Petition shall be taken.

Section 3.11. Recall Election.

If the Petition or amended Petition is found sufficient, the city clerk shall transmit it to the city council without delay, and shall also officially notify the elected officer or the sufficiency of the Petition and the pending action. Upon receipt of a valid Petition, the city council shall call a special recall election not less than thirty nor more than forty-five days thereafter, provided that if any other municipal election is to occur within sixty days after such meeting, the city council may in its discretion provide for the holding of the recall election at that time.

Section 3.12. Procedure at Recall Election.

In the published call for the election, whether posted on bulletin boards or printed in the official paper, there shall be given the Grounds for Recall and also, in not more than five hundred words, the response of the elected officer. If a recall election results in the recall of an elected official, determined by a majority of the voters voting on the recall question in the recall election, the resulting vacancy shall be filled in accordance with Section 2.09.

Section 3.13. Form of Recall Ballot.

Unless the elected officer whose removal is sought shall have resigned within ten days after the receipt by the city council of the completed Petition, the form of the ballot at such election shall be as near as may be: "Shall A be recalled?" the name of the elected officer whose recall is sought being inserted in place of A, and the electors shall be permitted to vote separately "Yes" or "No" upon this question.

205.10 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.10 MUNICIPAL SPECIAL ELECTIONS.

Subdivision 1. **Questions.** Special elections may be held in a city or town on a question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the governing body of the municipality on its own motion or, on a question that has not been submitted to the voters in an election within the previous six months, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last municipal general election. A question is carried only with the majority in its favor required by law or charter. The election officials for a special election shall be the same as for the most recent municipal general election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the municipal general election.

Subd. 2. **Vacancies in city offices.** Special elections shall be held in statutory cities to fill vacancies in elective city offices as provided in section 412.02, subdivision 2a.

Subd. 3. [Repealed, 2017 c 92 art 2 s 26]

Subd. 3a. **Uniform election dates.** (a) Except as allowed in paragraph (b) and subdivision 4, a special election held in a city or town must be held on one of the following dates: the second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November. A home rule charter city must not designate additional dates in its charter.

(b) A special election may be held on a date other than those designated in paragraph (a) if the special election is held in response to an emergency or disaster. "Emergency" means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring. "Disaster" means a situation that creates an actual or imminent serious threat to the health and safety of persons or a situation that has resulted or is likely to result in catastrophic loss to property or the environment.

Subd. 4. **Vacancies in town offices.** Special elections to fill vacancies in town offices as provided in section 367.03, subdivision 6, must be held with the town general election or on a date authorized by subdivision 3a.

Subd. 5. **Limit on ballot questions.** The governing body of a city or town may not act to submit a ballot question at a general or special election and may not accept a petition for submission of a ballot question at a general or special election unless all election-related deadlines can be met, including publication deadlines for all required notices. A petition rejected under this subdivision may be resubmitted at a time when compliance with all election-related deadlines is possible. Nothing in this subdivision requires the scheduling of a special election for a ballot question.

Subd. 6. **Cancellation.** A special election ordered by the governing body of the municipality on its own motion under subdivision 1 may be canceled by motion of the governing body, but not less than 84 days before the election.

History: 1959 c 675 art 6 s 10; 1976 c 2 s 74; 1976 c 44 s 6; 1981 c 29 art 7 s 38; 1981 c 172 s 1; 1983 c 62 s 4; 1993 c 375 art 7 s 7; 1994 c 646 s 8,9; 1997 c 147 s 42; 1999 c 75 s 1; 1999 c 132 s 31,32; 2003 c 75 s 1; 2008 c 244 art 1 s 15; 2013 c 131 art 2 s 54; 2016 c 161 art 1 s 14; 2017 c 92 art 2 s 10,11; 2024 c 112 art 2 s 37

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. _____

**AN ORDINANCE AMENDING THE SOUTH ST. PAUL CITY CHARTER
SECTION 3.11 REGARDING RECALL ELECTIONS**

The City Council of the City of South St. Paul does ordain:

SECTION 1. South St. Paul City Charter is amended by amending section 3.11 as follows:

Section 3.11. Recall Election.

If the Petition or amended Petition is found sufficient, the city clerk shall transmit it to the city council without delay, and shall also officially notify the elected officer or the sufficiency of the Petition and the pending action. Upon receipt of a valid Petition, the city council shall call a special recall election. A special recall election must be held on one of the uniform election dates per Minnesota Statutes, Section 205.10 Subd. 3a.~~not less than thirty nor more than forty five days thereafter~~, provided that if any other municipal election is to occur within sixty days after such meeting, the city council may in its discretion provide for the holding of the recall election at that time.

SECTION 2. Effective Date. This ordinance shall be in force 90 days after its publication.

Approved: _____

Published: _____

Deanna Werner, City Clerk

Certified Friday, April 11th, 2025 11,051 / 2763 signatures
 Monday May 12th, 2025 needed.
 612-807-6855, Molly Smith

Section 3.08. Recall. Any fifteen electors may form themselves into a committee for the purpose of sponsoring the recall of any elected officer of the City by Recall Petition ("Petition"). Attached to, or at the head of each page of the Recall Petition Certification ("Certification") the committee shall certify to the city clerk: (a) the name of the officer whose removal is sought, (b) a statement, not more than two hundred fifty words in length, of the grounds for removal; which shall specify the malfeasance, or nonfeasance in the performance of the elected officer's duties, and (c) the Committee's intention to bring about the recall. (The information contained in provisions (a), (b), and (c) herein shall collectively be referred to as the "Grounds for Recall"). The Certification shall be filed in the office of the city clerk for review and acceptance prior to the circulation of the Petition for signature. If the city clerk accepts the Certification, then the Grounds for Recall shall be attached to, or stated at the head of each page of any Petition circulated for signature. The city clerk shall not accept the Certification, less than 180 days prior to a general municipal election.

RECALL PETITION CERTIFICATION

Proposing the recall of Pamela Bakken from the office of City Council, which recall is sought for the reasons set forth in the attached Grounds for Recall. This movement is sponsored by the following committee of electors:

Name(print)	Signature	Address
1. ✓ Molly Smith	<i>Molly Smith</i>	140 3rd Avenue South, South St. Paul, MN 55075
2. ✓ RYAN SMITH	<i>Ryan Smith</i>	1403RD AVENUE SOUTH, SOUTH ST. PAUL MN 55075
3. ✓ Adam Vuok	<i>Adam Vuok</i>	1634 Waterloo Avenue, South St. Paul, MN 55075
4. ✓ Shawn Friberg	<i>Shawn Friberg</i>	425 12th Avenue South, South St. Paul, MN
5. ✓ Beth Johnson	<i>Beth Johnson</i>	1051 Eighth Avenue South, South St. Paul, MN 55075
6. ✓ Steven Richter	<i>Steven Richter</i>	4 Oakridge Drive, South St. Paul, MN 55075
7. ✓ Lucy Rodriguez	<i>Lucy Rodriguez</i>	644 15th Avenue North, South St. Paul, MN 55075
8. ✓ Alicia Richter	<i>Alicia Richter</i>	4 Oakridge Drive South St. Paul, MN 55075
9. ✓ Andrew Hein	<i>Andrew Hein</i>	651 8th Ave North, South St. Paul, MN 55075
10. ✓ Diana Hein	<i>Diana Hein</i>	651 8th Avenue North, South St. Paul, MN 55075
11. ✓ Nadia Nunez	<i>Nadia Nunez</i>	250 Dale Street West, South St. Paul, MN 55075
12. ✓ Nancy Alberts	<i>Nancy Alberts</i>	714 22nd Avenue North, South St. Paul, MN
13. ✓ Jennifer Rivera	<i>Jennifer Rivera</i>	856 21st Avenue North, South St. Paul, MN 55075
14. ✓ Selena Rodriguez	<i>Selena Rodriguez</i>	442 Camber Avenue, South St. Paul, MN 55075
15. ✓ Caroline McCord	<i>Caroline McCord</i>	1694 Waterloo Avenue South St. Paul, MN 55075

Section 3.09. Recall Petitions. The Petition for the recall of an elected officer shall consist of a copy of the Certification, identical with that approved by the city clerk together with all the Petition signature papers and affidavits thereto attached. All the signatures need not be on one Petition signature paper, but the circulator of every such paper shall make an

Grounds for Recall

Council Member Pamela Bakken has engaged in conduct that constitutes a violation of ethical and professional standards expected of an elected official. Specifically:

- On 2/10/2025, Dakota County found Council Member Bakken responsible for maltreatment of a minor by neglect when a 3-year-old child in her care, at her licensed in-home daycare ingested methamphetamines and required medical care.
- On 3/4/2025, the State of Minnesota Department of Human Services (DHS) issued an indefinite suspension of her family childcare license after having investigated and found her responsible for violating the terms of her licensure, including that she failed to fully comply with the laws and rules that apply to her license. Additionally, DHS determined that the health, safety, and rights of children in her care continue to be at imminent risk of harm.
- Council Member Bakken failed to notify City Officials or Staff of the ongoing investigation, thus violating public trust in an apparent effort to conceal the truth.
- Council Member Bakken has broken the oath she swore upon taking office by willfully violating the laws and regulations surrounding her business.
- Despite public outcry for answers and accountability, Council Member Bakken has refused to address the situation or acknowledge the seriousness of the investigation or findings of the State of Minnesota.

For these reasons, the above-signed community members hereby call for a Recall Election, pursuant to section 3.08 of the City Charter of South St. Paul.

Deanna Werner

From: Deanna Werner
Sent: Friday, April 11, 2025 11:25 AM
To: Brown, Kyle; Keyport, Joseph; Seth.Kaplan@FOX.COM
Subject: Recall Petition - South St. Paul

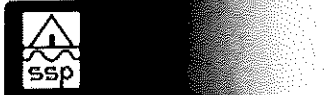
Good Morning,

A recall petition has been received, certified, and accepted by the City Clerk of South St. Paul today, Friday, April 11th, 2025. The South St. Paul City Charter requires that a committee must gather a number of signatures equal to 25% of the participants of the previous municipal election. The number of voters for the 2024 Election was 11, 051, 25% of this number is 2,763, which is the number of signatures needed.

The necessary signatures will need to be provided to the City Clerk by Monday, May 12th, 2025. At that time, the City Clerk's Office will have 5 days to verify the signatures. If any signatures are rejected which take the number of signatures below the needed threshold, then the committee will have 10 days in which to retrieve additional signatures.

If you have any additional questions related to this timeline or the requirements please don't hesitate to reach out to me.

Deanna Werner | City Clerk
Phone : 651-554-3204 | Mobile: 651-283-5971
City of South St. Paul | 125 3rd Avenue North | South St. Paul, MN 55075



**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. _____

**AN ORDINANCE AMENDING THE SOUTH ST. PAUL CITY CHARTER
SECTION 3.08 REGARDING RECALL**

The City Council of the City of South St. Paul does ordain:

SECTION 1. South St. Paul City Charter section 3.08 is repealed and replaced as follows:

Section 3.08. - Recall.

Any fifteen electors may form themselves into a committee for the purpose of sponsoring the recall of any elected officer of the City by filing a Recall Petition Certification with the city clerk. The Recall Petition Certification shall substantially conform to the following form:

RECALL PETITION CERTIFICATION

Proposing the recall of _____ from the office of _____, which recall is sought for the reasons set forth in the attached Grounds for Recall. This movement is sponsored by the following committee of electors:

	<u>Printed Name</u>	<u>Signature</u>	<u>Address</u>
<u>1</u>			
<u>2</u>			
<u>3</u>			
<u>4</u>			
<u>5</u>			
<u>6</u>			
<u>7</u>			
<u>8</u>			
<u>9</u>			
<u>10</u>			
<u>11</u>			
<u>12</u>			
<u>13</u>			
<u>14</u>			
<u>15</u>			

If not using the form, the Recall Petition Certification must contain the following: (a) the printed names, signatures and addresses of the fifteen electors of the committee; (b) the name of the elected officer whose removal is sought; and (c) a statement that the committee intends to circulate a Petition for the recall of the elected officer. The city clerk shall administratively review and confirm the provisions above are met and satisfied, including the number and qualifications of the committee members.

The committee shall also submit a statement, not more than two hundred fifty words in length, of the grounds for recall; which shall specify the malfeasance or nonfeasance in the performance of the elected officer's duties ("Grounds for Recall").

Once the city clerk confirms that the provisions in (a)-(c) have been satisfied and the required number of committee members are qualified, the City Clerk shall submit the Recall Petition Certification and the Grounds for Recall to the City Council on the next regular City Council agenda. The City Council must confirm that the Grounds for Recall meet the requirements of the Grounds for Recall articulated herein. The elected officer who is the subject of the recall shall not participate in the discussion or the vote.

Upon confirmation by the City Council that the Grounds for Recall are met, the city clerk shall accept the Recall Petition Certification and notify the committee that the committee can proceed with circulating a Petition. The Grounds for Recall must be attached to or stated at the head of each page of any Petition circulated for signature.

If the city clerk cannot confirm any portion of the Recall Petition Certification, then the city clerk shall notify the committee who shall have three days to file a corrected Recall Petition Certification with the City Clerk. If no corrected Recall Petition Certification is filed, the committee shall not be authorized to take any further action.

SECTION 2. Effective Date. This ordinance shall be in force 90 days after its publication.

Approved: _____

Published: _____

Deanna Werner, City Clerk